

CA4 ON HBL A05  
C51P4  
1999

URBAN  
MUNICIPAL

AGENDAS/MINUTES  
PLANNING & DEVELOPMENT  
COMMITTEE

SEPT. 22, 1999 ...







C44 ON HBC A05  
C51P4  
1999

**URBAN  
MUNICIPAL**



Urban Municipal Collection  
2nd Floor  
Hamilton Public Library

**NOTICE OF MEETING**

**PLANNING AND DEVELOPMENT COMMITTEE**

Wednesday, September 22, 1999  
9:30 o'clock a.m.  
Room 233, City Hall

**URBAN MUNICIPAL**

**SEP 20 1999**

**GOVERNMENT DOCUMENTS**

*Tina*  
Tina Agnello, Secretary  
Planning and Development Committee

**AGENDA**

**PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

1. Zoning Application 98-26, by Cornerstone Commercial Realty Corporation, owner, for lands located south of Fennell Avenue and north of Inchlee Drive, known as 334 East 14<sup>th</sup> Street. (PDC99079)
2. Zoning Application 99-24, by John Bear Pontiac, Buick, Cadillac Ltd., owner, for a further modification to the "G-3" District, modified, for property located at 1200 Upper James Street. (PDC99076)
3. Zoning Application 99-25, by Rehoboth United Reformed Church, owner, for a change in zoning from "AA" District to "C" District (Blocks "1" and "2") for lands located west of Hawkswood Trail and south of Falconridge Drive and east of the Hamilton City limits. Not Circulated. (~~TO BE RESCHEDULED~~)
4. Zoning Application 99-26, by Skinder Shelly Sohal, owner, for a change in zoning from "AA" District to "C" District, modified, for lands located at 844 Upper Wentworth Street. Not Circulated (~~TO BE RESCHEDULED~~)

**PUBLIC MEETINGS - 9:45 O'CLOCK A.M.**

5. Zoning Application 99-30, by Jo-Ank Associates Ltd. and Tarador Holdings, owners, for modifications in zoning of the "E-2" District for lands located at 24 and 30 Hess Street South. (PDC99074)







6. Zoning Application 99-29 and Proposed Draft Plan of Subdivision SAR-99-01 "Sherman Meadows", by Harp Homes Building Corporation, owner, for a change in zoning from "AA" District to "C" District for property located at the rear of 1515 and 1519 Upper Sherman Avenue. (PDC99077)
7. Zoning Application 99-28, by Jomar Development corp. Inc. (c/o Joe Kutlesa), owner, for changes in zoning from "AA" and "C" to "RT-20" for lands located south of Rymal Road West, east of the City of Hamilton limits, and west of Falconridge Drive. Not Circulated. **(TO BE RESCHEDULED)**

**PUBLIC MEETINGS - 10:00 O'CLOCK A.M.**

8. Zoning Application 99-27, by Harry & Helen Bazuin and Gordon & Esther Pauls, owners, for a change in zoning from "AA" District to "C" District for lands located at 1423-1431 Upper Wellington Street (PDC99069)
9. The King Street West Community Improvement Plan to Authorize the Implementation of the Commercial Property Improvement Loan Program (PWT99039)

**10. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION**

Master Drainage Plan for the Beach Strip - Results of the Final Report (PDC99055)

**11. REFERRAL FROM COUNCIL**

Hamilton Harbour Commission respecting Amendments to the HHC Land Use and Development By-law

**12. CONSENT AGENDA**

**13. PRIVATE AND CONFIDENTIAL AGENDA**

**14. OTHER BUSINESS**

**15. ADJOURNMENT**







# PLANNING AND DEVELOPMENT COMMITTEE OUTSTANDING LIST

| N<br>o | Item  | Original<br>Date  | Action  | Status  |
|--------|---|-------------------|---|---|
| 1.     | Hamilton Harbour Land Use   | 1997 February 19  | Staff report on site plan control procedures and incineration as a use on Harbour Lands | Report forthcoming                                    |
| 2.     | Boulevard Policy for New Subdivisions   | 1997 July 2       | Staff directed to prepare report  | Report forthcoming                                    |
| 3      | Licensing of New Hazardous Waste Sites  | 1997 August 20    | Referred to Planning and Law Department Staff for report                                | Pending   |
| 4.     | York Boulevard Design Guidelines  | 1998 April 22     | Planning Staff directed to provide a review for cttee                                   | Pending   |
| 5.     | ZA 98-26, 334 East 14th St.   | 1998 September 23 | Proponents to meet with residents to resolve concerns                                   | To be lifted from the table 1998 October 21           |
| 6.     | Student Housing Licencing By-law  | 1998 September 23 | Staff to Prepare a report   | Pending   |
| 7.     | Correspondence from the Ainslie Wood/Westdale Community Associations                            | 1998 October 7    | Referred to staff   | Report Forthcoming                                    |
| 8.     | SA-98-03 and ZAC-98-32, Fennell Avenue West   | 1998 December 2   | Proponents to Meet with Staff and Ward Aldermen   | Tabled  |
| 9.     | Radial Separation for residential and short term Facilities                                     | 1998 December 2   | Staff to prepare report   | Report Pending  |
| 10.    | Detention centre as use in H district   | 1998 December 2   | Staff to prepare report   | Report pending  |
| 11.    | Request for Parkland Credit-Starward Homes and development of Policy regarding Stormwater Ponds | 1998 December 2   | Staff to prepare a report   | Report Pending  |
| 12.    | Referral from Committee of the Whole- Increase in Beds or Services at 94 York Blvd.             | February 17, 1999 | Tabled pending staff report   | Report Forthcoming                                    |
| 13.    | CI-96-I Elimination of Residential Parking and Loading Requirements in the Downtown             | Aug 11, 1999      | Staff to report on impacts  | Report to be brought back before the end of year 2000 |
| 14.    | Review of Derelict Buildings  | Aug 11, 1999      | Staff to prepare a report   | Report Forthcoming                                    |
| 15.    | ZAC-99-20, 1359 Upper James Street  | Aug 11, 1999      | Tabled  | To come back Sept 22, 1999                            |
| 16.    | East Mountain Industrial Business Park Neighbourhood Plan                                       | Aug 11, 1999      | Tabled in order to resolve concerns   | Tabled<br><b>August 18, 1999</b>                      |







1.

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** 1999 September 3  
ZAC-98-26  
Hill Park Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** LeeAnn Coveyduck  
General Manager, Community Planning and Development Division

**SUBJECT:** Request for a modification in zoning and change in zoning for lands located south of Fennell Avenue and north of Inchlee Drive, known as 334 East 14th Street (PDC990079)

**RECOMMENDATION:**

- (a) That Zoning Application ZAC-98-26, 983177 Ontario Inc. (c/o B. Strauss), owner, for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "1"), a change in zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2") and for a modification to the established "C" (Urban Protected Residential, etc.) District (Block "3"), for lands located south of Fennell Avenue and north of Inchlee Drive, known as 334 East 14th Street, as shown on the attached map marked as APPENDIX "A", be denied on the following basis:
- (i) the proposed development of 3 lots for single detached dwellings represents an over-intensification of the subject lands in that it will have an adverse affect on the residential character of the area, and particularly the abutting property, which is not consistent with City Council's policies on Housing Intensification and the general intent of the Official Plan.
- (b) That approval be given to amended Zoning Application ZAC-98-26, 983177 Ontario Inc. (c/o B. Strauss), owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2"), for lands located south of Fennell Avenue and north of Inchlee Drive, known as 334 East 14th Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;

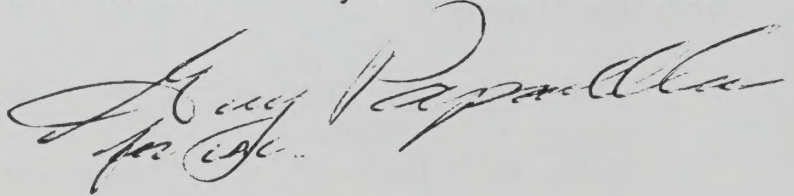


- (ii) That the General Manager, Community Planning and Development Division be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-17 for presentation to City Council; and,
- (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

The purpose of the proposed by-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2").

The effect of the proposed change in zoning is to recognize the existing apartment building in accordance with the 1959 agreement between the City of Hamilton and Janus Apartments Limited.

A handwritten signature in cursive script, appearing to read "Henry Papadopoulos".

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

**BACKGROUND:**

Proposal

The application is for a modification in zoning and change in zoning for lands located south of Fennell Avenue and north of Inchlee Drive, known as 334 East 14th Street to recognize the existing apartment building (Blocks "1" and "2") and to permit three lots for single family dwellings fronting onto Inchlee Drive (Block "3") (see APPENDIX "B").

A revised development plan was submitted on September 2, 1999. The plan increased the size of Lot 1 from 50.5 m to 58.0 m in depth and Lots 2 and 3 were decreased in size accordingly (See APPENDIX "D"). The purpose of the revised plan was to shift the access driveway for Lot 1 easterly.



### Development Approvals

In 1958, Janus Apartments Ltd. had applied for a Building Permit to construct a 105 unit apartment building. However, based on the area of the property zoned "E" District, a maximum of 82 units were permitted.

The City of Hamilton advised Janus Apartments Ltd. that a change in zoning would be required for those lands located within the "C" District. To facilitate the construction of the 105 unit apartment building, the Board of Control directed staff to issue a building permit for the construction of a 6 storey, 105 unit apartment building provided that the developer enter into an agreement with the City of Hamilton. The agreement required Janus Apartments Ltd. to apply for a change in zoning from "C" District to "E" District to provide for sufficient area of land zoned "E" District to permit 105 apartment units (see APPENDIX "C").

In 1959, Janus Apartments Ltd. entered into the agreement with the City of Hamilton and the building permit was issued for a 105 unit apartment building. The apartment building was subsequently constructed and occupied but the change in zoning was never pursued.

The subject lands have subsequently been sold and the new owner, (83177 Ontario Inc. (c/o B. Strauss), has identified the need to meet the obligations of the 1959 agreement.

### Planning and Development Committee Meeting – September 23, 1998

Planning and Development Committee, at its meeting of September 23, 1998, tabled Zoning Application 98-26 at the request of the applicant. The applicant requested that the matter be tabled to allow for the applicant to submit additional background information and for an opportunity to meet with Community Planning and Development Department staff.

A neighbourhood meeting was held by the applicant on November 5, 1998. At the meeting concerns were expressed by neighbourhood residents with respect to the loss of green space, including the removal of existing trees on the subject lands, the irregular configuration of the lots (i.e. the lots are only 16.5 m deep whereas a typical building lot is approximately 30.0 m deep); and that the development of the "unrequired" lands will change the established character of the area.

### Severance Applications B-98:48 and B-98:49

Severance applications have been made to create the three building lots (Application B-98:48 and B-98:49). The applications were tabled pending resolution of Zoning Application 98-26.



**APPLICANT:**

983177 Ontario Incorporated (B. Strauss), owner.

**LOT SIZE AND AREA:**

The subject lands are rectangular in shape and have:

- 88.7 m of lot frontage along East 14th Street;
- 119.3 m of lot frontage along Inchlee Drive; and
- 10,572 square metres of lot area.

**LAND USE AND ZONING:**

|                             | <u>Existing Land Use</u>    | <u>Existing Zoning</u>  |
|-----------------------------|-----------------------------|---|
| <u>Subject Lands</u>        | 6-Storey Apartment Building | "E" (Multiple Dwellings, Lodges, Clubs, etc.) District; and "C" (Urban Protected Residential, etc) District |
| <u>Surrounding Land Use</u> |                             |   |
| to the north                | Commercial                  | "H" (Community Shopping and Commercial, etc.) District and "G-3" (Public Parking Lots) District             |
| to the south                | Single Detached Dwellings   | "C" (Urban Protected Residential, etc) District   |
| to the east                 | Single Detached Dwellings   | "C" (Urban Protected Residential, etc) District   |
| to the west                 | Single Detached Dwellings   | "C" (Urban Protected Residential, etc) District   |

**OFFICIAL PLAN:**

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposed change in zoning and modification in zoning is not consistent with the general intent and purpose of the Official Plan, in particular Subsection



C.7.3 which requires that infill development "*recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview*".

### **NEIGHBOURHOOD PLAN:**

The subject lands are located within the Hill Park Neighbourhood. There is no approved neighbourhood plan for this neighbourhood.

### **COMMENTS RECEIVED:**

- The Traffic Division, Department of Public Works and Traffic has advised that they have no comments with respect to the proposed changes in zoning. With respect to the proposed severances, the Traffic Division advised of the following:

"We have no objection to the proposed severances to permit the development of three single family residential lots subject to the following condition:

The applicant demonstrate how the two required parking spaces for each dwelling unit will be provided to the satisfaction of the Director of Public Works and Traffic.

In addition, it should be noted that the development of these lots will eliminate an existing pedestrian walkway from the corner of Inchlee Drive and East 13<sup>th</sup> Street to rear of the apartment building."

- The Building Department, Community Planning and Development Division has advised of the following:

#### "E District

1. The actual lot area, floor area and landscaped area has not been provided to determine compliance.
2. The actual building dimensions and height have not been provided to determine yard requirements.
3. The proposed parking area located in the front yard is not permitted.
4. The parking layout is not determined to determine compliance.
5. No loading spaces have been indicated on the plan.

#### C District

##### Lot 1

1. The northerly lot line is the rear lot line.



2. The portion of the southerly lot line abutting the street is the front lot line.
3. All other lot lines are considered side lot lines.
4. The front yard is the area from the street line between the easterly side lot line and the proposed single family dwelling.
5. At least two (2) parking spaces are required.
6. The rear yard is insufficient.

#### Lot 2

1. The northerly lot line is the rear lot line.
2. The southerly lot line is the front lot line.
3. At least two (2) parking spaces are required.
4. The front and rear yards are insufficient.

#### Lot 3

1. The easterly lot line is the front lot line fronting on East 14<sup>th</sup> Street.
2. The westerly lot line is the rear lot line.
3. At least two (2) parking spaces are required.

Each lot (Lots 1, 2 and 3) shall ensure that at least 50% of the front yard is landscaped area."

- The Development Engineering Section, Community Planning and Development Division, has advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands.

The following comments were received from the Regional Transportation Department:

- (1) According to our records, the road allowance widths of East 13th Street, East 14th Street and Inchlee Drive are 20.12 m. Therefore we do not anticipate any further road allowance widenings at this time.
- (2) For the information of the Building Department and the applicant/owner, the elevation of the garage floor must be a minimum of 0.10 m above the municipal sidewalk elevation on East 14th Street, Inchlee Drive and East 14th Street with the maximum driveway grade on private property not to exceed 7%.
- (3) We have discussed this matter with the Department of Public Works and Traffic and understand that as a condition of land severance approval that



the satisfaction of their Department. From our construction drawings it appears that a utility pole and guy wire may have to be relocated to accommodate the access to the westerly lot.

- (4) Any other works within the adjacent road allowances must conform to the City of Hamilton Streets By-law."

- The Land Development Department, Community Planning and Development Division advised that:

"REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP).

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The City Horticulturist has advised of the following:

"A site inspection of the subject property revealed there to be no municipal tree conflicts for this proposed development. However, all trees on or adjacent to this site should be protected by an appropriate tree preservation plan. Attached is a copy of the City of Hamilton's Tree Preservation Techniques and By-law #92-155 respecting trees, which could be used as a guideline for developing the above mentioned plan. Please forward same to the developer."

- The Hamilton Region Conservation Authority advised that they have no comments with respect to the application.

#### **COMMENTS:**

1. The application, as submitted, is not consistent with the general intent and purpose of the Official Plan, in particular Subsection C.7.3 requires that infill development *"recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview"*.
2. At the time of the issuance of the Building Permit, a minimum of 6,828 m<sup>2</sup> (73,500 sq.ft.) of lot area within the "E" District was required for a 105 unit apartment building. However, only 5,637 m<sup>2</sup> (60,680 sq.ft.) was zoned "E" District. As such, the agreement with Janus Apartments Ltd. required the land owner to apply for, and



receive final approval, for a change in zoning from "C" District to "E" District for a portion of the subject lands with a lot area of 1,191 m<sup>2</sup> (12,820 sq.ft.) (see below).

| Category   | Land Area             |                |
|--|-----------------------|----------------|
| Lot Area:  | 10,570 m <sup>2</sup> | 113,778 sq.ft. |
| Lot Area zoned "E" District:                       | 5,637 m <sup>2</sup>  | 60,680 sq.ft.  |
| Lot Area required for 105 units:                   | 6,828 m <sup>2</sup>  | 73,500 sq.ft.  |
| Lot area required by 1959 Agreement to be rezoned: | 1,191 m <sup>2</sup>  | 12,820 sq.ft.  |
| "Unrequired" lot area:                             | 3,742 m <sup>2</sup>  | 40,278 sq.ft.  |
| Lot Area of Proposed 3 Building Lots               | 1,947 m <sup>2</sup>  | 20,958 sq.ft.  |
| Additional lands to be zoned "E" District Lands    | 1,795 m <sup>2</sup>  | 19,322 sq.ft.  |

The rezoning of the required lands from "C" District to "E" District would leave 3,742 m<sup>2</sup> of lot area within the "C" District. These lands are "surplus" in that they are not required to legalize the existing 105 unit apartment building. The application, as submitted, would utilize a total of 1,947 m<sup>2</sup> for 3 building lots and the remaining land area (1,795 m<sup>2</sup>) would be zoned "E" District.

3. There are positive and negative factors to the proposed development of the unrequired lands to legalize the existing 105 unit apartment building. The positive aspects are as follows:
  - i) the rezoning of Block "1" from "C" District to "E" District implements the conditions of the 1959 agreement between the City of Hamilton and Janus Apartments Limited;
  - ii) the proposal represents an opportunity for residential intensification;
  - iii) the proposed development would be compatible with the abutting low density residential uses in that the applicant is proposing to construct single detached dwellings; and,
  - iv) the lot width and lot area of the proposed lots are equal to or greater than the average lot width and lot area for the surrounding area.

However, there are concerns associated with the proposed modification to the established "C" District to permit the creation of building lots for single detached dwellings. Specifically, the concerns are:

- i) the loss of green space, including the removal of existing trees on the subject lands;

- ii) to facilitate the development of the proposed westerly and middle lots, variances to the by-law are required with respect to the minimum front, side and rear yards due to the irregular configuration of the lots (i.e. the lots are only 16.5 m deep whereas a typical building lot is approximately 30.0 m deep);
- iii) the development of the "unrequired" lands will change the established character of the area; and,
- iv) the location of the proposed driveway for Lot 1 relative to the abutting property.

Housing Intensification Strategy: The Housing Intensification Strategy, as adopted by City Council on June 25, 1991, states that Council will "encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies, encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement."

As part of the background research in the development of the Housing Intensification Strategy, the concept of infill housing was examined. The creation of several separate dwelling units on a lot on which a multiple family dwelling exists (i.e. an apartment building) was identified as a form of infill housing applicable to the Hamilton situation. It is noted that the minimum front, side and rear yard requirements of the Zoning By-law were identified as factors that affect the potential for infill development.

Official Plan Amendment No. 109, as amended by Official Plan Amendment No. 128, establishes policies for residential intensification. Specifically, Subsection C.7.3 iii) states that Council will:

*"Support residential development such as infilling, redevelopment and the conversion of on-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognizes and enhances the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview".*

The intent of Policy C.7.3 iii) is to allow for infill development to occur subject to appropriate performance standards and to prevent the construction of "monster homes".



Loss of Greenspace: The development of the “surplus” lands will result in a loss of open space, and in particular the proposed development will result in the removal of several existing trees and a pedestrian linkage on the subject lands which would effect the established character of the area.

Under the provisions of the “E” District, a minimum landscaped area of 25% of the total lot area is required. Based on plans provided by the applicant, the landscaped area of the subject lands, excluding the 3 proposed building lots, would be 3,900 m<sup>2</sup> or 45% of the total lot area.

It is noted that this is privately owned open space and that the City Horticulturist has advised that all trees on or adjacent to this site should be protected by an appropriate tree preservation plan. In addition, there is a municipal park and recreation centre to the south-west of the subject lands. As noted in the “Housing Intensification Study – Study Background Report”, the loss of private open space can be minimized through the use of such elements as landscaping, planting strips, buffered areas and fencing.

There are two rows of mature trees parallel to Inchlee Drive on the subject lands. As a condition of severance approval the applicant could be required to prepare a tree preservation plan to protect the row of trees closest to the apartment building. In addition, as part of the modified subdivision agreement the applicant would be required to provide monies for the planting of trees within the boulevard portion of the road allowance at a rate of 1 tree per 10-12m of linear road frontage.

There is an existing concrete walkway connecting the apartment building to East 13<sup>th</sup> Street. The development of Lot 1 will necessitate the removal of this walkway.

Lot Size and Lot Configuration: Based on assessment data, the lots fronting onto East 13<sup>th</sup> Street and East 14<sup>th</sup> Street are rectangular in shape with a lot width between 12 – 13 m. The lots are between 30 and 34 m in depth and lot areas are in the 360 m<sup>2</sup> to 500 m<sup>2</sup> range respectively.

Based on the plans provided by the applicant, the proposed building lots will have a minimum lot area of 549 m<sup>2</sup>. Lot 3 is to be developed as a corner lot with a frontage of 16.3 m along East 14<sup>th</sup> Street and a lot depth of 33.8 m. Lots 1 and 2 have a lot depth of 16.3 m and lot area of 821 m<sup>2</sup> and 577 m<sup>2</sup>.

The proposed lots are larger in terms of lot width and lot area than the existing lotting pattern. However, due to the configuration of these lots, Lots 1 and 2 are “wide-shallow” lots. Lot 1 would have a frontage of 12 m along East 13<sup>th</sup> Street/Inchlee Drive. It is proposed that Lot 2 would have a frontage of 35 m along Inchlee Drive. Lot 3 is proposed to be a corner lot in keeping with the character of the existing corner lots in the vicinity of the subject lands.

It is noted that the variances to the "C" District are required to develop Lots 1 and 2. With respect to Lot 2, the variances required are consistent with the variances approved by City Council for the Habitat for Humanity development fronting onto Loconder Drive in the Quinndale Neighbourhood. In addition, variances to the "C" District are required for Lot 1 with respect to the minimum front, side and rear yards due to the irregular configuration of the lots (i.e. the lot is only 16.5 m deep whereas a typical building lot is approximately 30.0 m deep)

Driveway Location: To facilitate the development of Lot 1, it is proposed to provide a driveway at the easterly limits of Lot 1 (see APPENDICES "B" and "D"). The driveway would be located directly adjacent to the front lot line of the abutting property (360 East 13<sup>th</sup> Street) and overlap within the boulevard portion of the road allowance. This will have an adverse affect on the residential character of the area, and in particular the existing dwelling at 360 East 13<sup>th</sup> Street. This would result in vehicles travelling directly in front of the existing dwelling to gain access to Lot 1. This will result in the driveways overlapping in the road allowance which may result in conflicts between abutting property owners. It is noted that as part of the development review process, it is a standard requirement to ensure driveways do not overlap within the road allowance and as such the location of the proposed driveway for Lot 1 is contrary to current city practises.

Neighbourhood Character: The development of the "unrequired" lands will result in a change in the established development pattern. One of the goals of infill housing is to ensure that the new development occurs in a form which is physically integrated in to the surrounding neighbourhood. The Official Plan establishes criteria for the development of performance standards for infill development such that new development *"recognizes and enhances the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview"* (Subsection C.7.3 iii).

Based on the building envelopes provided by the applicant, the proposed dwellings would have a building footprint of up to 430 m<sup>2</sup> (4,600 sq.ft.). As such, neighbourhood residents have expressed a concern that the new dwellings would be "monster homes" that would not be in keeping with the established built form of the surrounding lands. The applicant has advised that they are proposing to construct 1 storey dwellings that are approximately 110 m<sup>2</sup> (1,200 sq.ft.) in size. In addition, the applicant has indicated that they would have no objection to the "C" District being modified to regulate the height and size of the proposed single detached dwellings to 1 storey in height and a maximum ground floor area of 430 m<sup>2</sup> (1,200 sq.ft.) (excluding any garage, basement or cellar area).

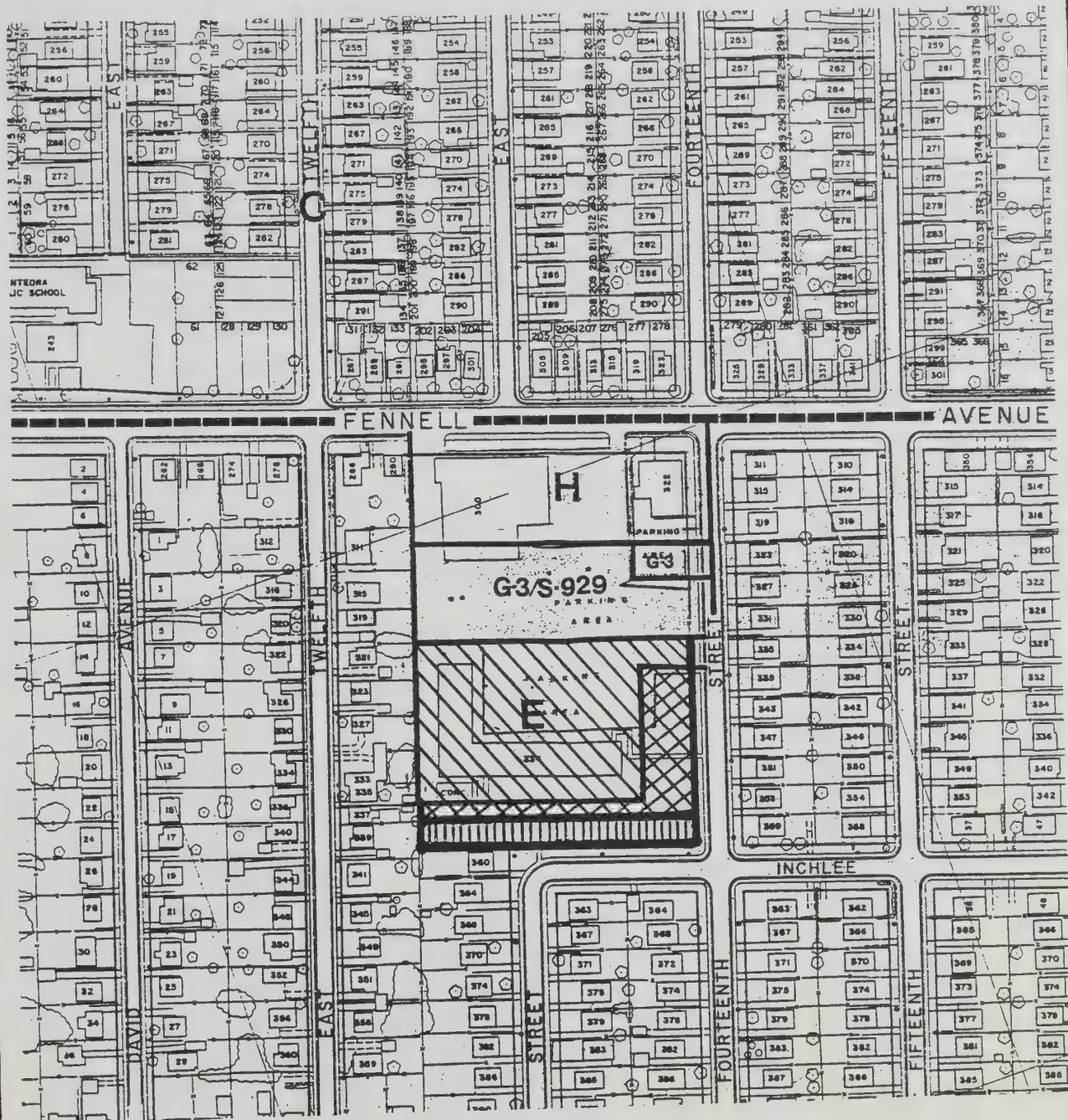
Development Planning staff do not support the application for the following reasons:



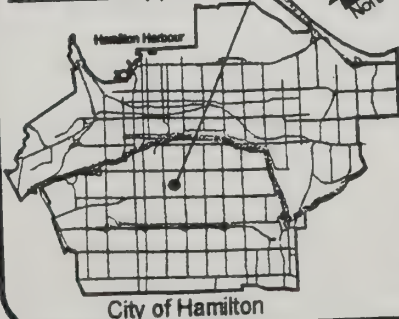
- The proposed creation of 3 building lots for single family dwellings is not consistent with the general intent of the Official Plan which requires that infill development *"recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview"*.
  - The proposal is not consistent with the Residential Intensification Strategy, as adopted by City Council, in that the creation of 3 building lots is not considered to be appropriate in that the proposed driveway for Lot 1 will have an adverse affect on the residential character of the area, particularly the abutting property (360 East 13<sup>th</sup> Street), in that the driveway will be located in the area that functions as part of the front yard of the dwelling (i.e. the area comprised of the required front yard and the portion of the road allowance appurtenant to the required front yard); and,
  - the location of the proposed driveway for Lot 1 will overlap with the existing driveway at 360 East 13<sup>th</sup> Street which is contrary to City of Hamilton development standards.
4. In accordance with the 1959 agreement between the City of Hamilton and Janus Apartments Limited, it is appropriate to rezone the land shown as Block "2" to permit 105 apartment units (see Appendix "A").
  5. Development Planning staff met with the applicant to consider amendments to the zoning application. At the meeting, staff indicated that they could support the creation of 2 building lots (Lot 2 and 3). The applicant advised that they would review this matter and advise staff accordingly. The applicant has subsequently advised that they wish to proceed with the application as submitted for 3 building lots and submitted a second design (see APPENDIX "D").

### **CONCLUSION:**

Based on the foregoing the application cannot be supported. However, the rezoning of Block "2" to implement the 1959 agreement between the City of Hamilton and Janus Apartments Ltd. can be supported.






Site of the Application



# COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend

- BLK 1**  Modification to the "E" (Multiple Dwellings) District
- BLK 2**  Change in Zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings) District, modified
- BLK 3**  Modification to the "C" (Urban Protected Residential, etc.) District

Reference file:

**ZAC-98-26**

Scale

**Not to Scale**

Date

**July, 1999**

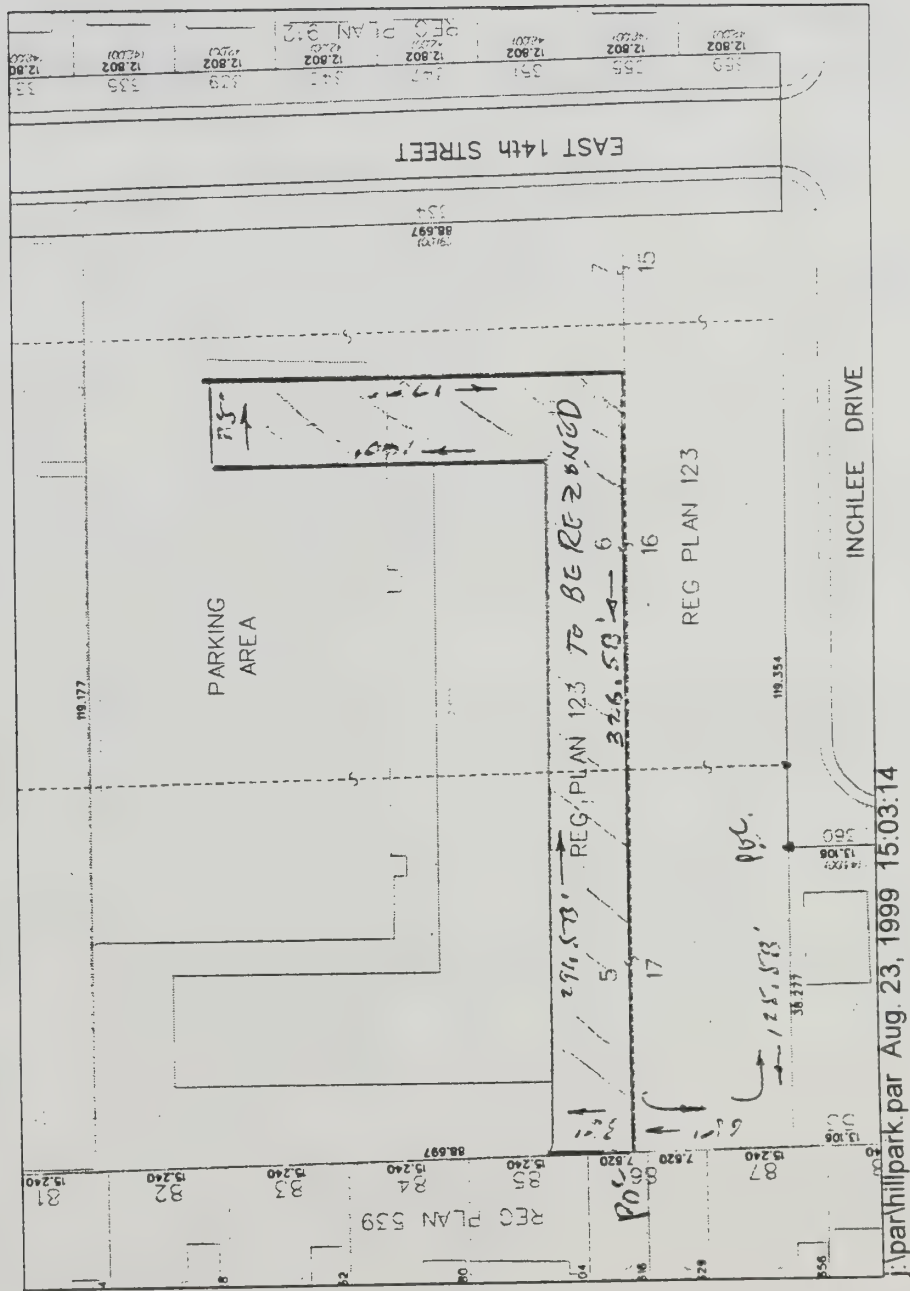
Technician:

**B. B.**

**APPENDIX 'A'**











# CITY OF HAMILTON

2

## - RECOMMENDATION -

**DATE:** 1999 September 3  
ZAR-99-24  
Kernighan Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Request for a further modification in zoning for lands located at  
1200 Upper James Street (PDC99076)

### RECOMMENDATION:

That approval be given to Zoning Application 99-24, John Bear, owner, requesting a further modification to the established "G-3" (Public Parking Lots) District, modified to permit two (2) service bays and a mechanical carwash, for the property located at 1200 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

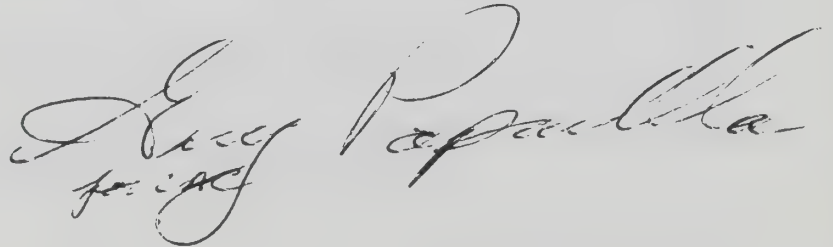
- (i) That the "G-3" (Public Parking Lot) District regulations, as contained in Section 13C of Zoning By-law No. 6593, as amended by By-law 79-255, applicable to the subject lands, be further modified to include the following variance as a special provision:
  - (1) That notwithstanding Section 13C.(1), the following uses shall be permitted:
    - (a) an auto repair garage consisting of two (2) bays except paint and autobody repair; and,
    - (b) a mechanical car wash accessory to the existing automobile dealership;
- (ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-668a, and that the subject lands on Zoning District Map W9B be notated as S-668a; and,
- (iii) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W9B for presentation to City Council;
- (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.



**EXPLANATORY NOTE:**

The purpose of the By-law is to provide a further modification to the established "G-3" (Public Parking Lots) District modified, for lands located at 1200 Upper James Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the addition of an auto repair garage consisting of two (2) bays, except paint and autobody repair, and a mechanical car wash accessory to the existing automobile dealership.

A handwritten signature in cursive script, reading "Tony Paparella". Below the signature, there is a smaller, less legible handwritten note that appears to say "for info".**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

**BACKGROUND:**

- Proposal

The application is for a modification to the established "G-3" (Public Parking Lots) District modified, to permit the addition of an auto repair garage consisting of two (2) bays service bays and a mechanical carwash to be used in conjunction with the existing dealership, located at 1200 Upper James Street.

**APPLICANT:**

John Bear Pontiac, Buick, Cadillac Ltd., owner.

**LOT SIZE AND AREA:**

- 100.54 m (329.87 ft.) of lot frontage on Upper James Street;
- 182.88 m (600.0 ft) of lot depth; and,
- 18,386.76 m<sup>2</sup> (4.5 acres) of lot area.

## LAND USE AND ZONING:

|                          | <u>Existing Land Use</u>           | <u>Existing Zoning</u>   |
|--------------------------|------------------------------------|--|
| <u>Subject Lands</u>     | Parking Area<br>for car dealership | "G-3" (Public Parking Lots)<br>District - modified                           |
| <u>Surrounding Lands</u> |                                    |  |
| To the north, west       | Parking Area                       | "G-3" (Public Parking Lots)<br>District                                      |
| To the east              | Car dealership                     | "HH"(Restricted Community<br>Shopping and Commercial)<br>District - modified |
| To the south             | Cemetery                           | "AA"(Agricultural) District  |

## OFFICIAL PLAN:

The lands are designated "**Commercial**" on Schedule A – Land Use Concept of the Official Plan. The proposal does not conflict with the intent of the Official Plan.

## NEIGHBOURHOOD PLAN:

The lands are designated "**Commercial**" on the approved Kernighan Neighbourhood Plan. The proposal does not conflict with the intent of the approved Neighbourhood Plan.

## RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:
  - Hamilton Region Conservation Authority; and,
  - Union Gas.
- The Community Planning and Development Division (Engineering) has advised that:
 

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

According to our records, the Region previously acquired the required road allowance widening adjacent to the subject lands and shown as Park 2 on Reference Plan 62R-4290. Therefore we do not anticipate any further road allowance widenings at this time.

On item 4 of the application, the description of the property is noted as Parts 1 and 2 on Reference Plan 62R-12378. According to our records, these parcels of land have been transferred to the City of Hamilton for the establishment of a local internal neighbourhood street.



All our other details with respect to this development can be dealt with at the site plan stage.

In the absence of any details shown we advise that any works within the Upper James Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."

- The Community Planning and Development Division (Building) has advised that:

- "1. The proposed car wash is not permitted in the G-3/S-668, S-1122 district.
2. The gross floor areas indicated on the site plan are different than the floor areas approved under DA-86.63 (see below):

|           | Car Dealership<br>(including<br>Mezzanine) | Used Car<br>Building | Total Existing<br>Gross Floor<br>Area |
|-----------|--|----------------------|---------------------------------------|
| DA-86-63  | 2,998.2m <sup>2</sup>                      | 126.9m <sup>2</sup>  | 3,125.1m <sup>2</sup>                 |
| ZAR-99-24 | 2,412.6m <sup>2</sup>                      | 137.5m <sup>2</sup>  | 2,550.1m <sup>2</sup>                 |

Please confirm gross floor areas to determine new parking requirements, including the proposed car wash.

3. It appears that the addition of the car wash building will not affect the two (2) required 18.0m x 3.7m x 4.3m loading spaces, however, not shown on the site plan.
4. The parking layout is different than the parking layout approved under DA-86-63 and DA-92-38. The site plan indicates three hundred (300) parking spaces which is adequate for the proposed addition. No dimensions shown to determine compliance with size for parking, manoeuvring, access drive, etc.
5. There is an existing Order to Comply dated August 18, 1989 for the facilities, works or matters required have not been provided in accordance with DA-86-63. See attached Order to Comply and schedule of outstanding items.
6. A minimum 9.0m planting strip is required along the Westerly side lot line.
7. The proposed car wash requires a licence from this department."

#### COMMENTS:

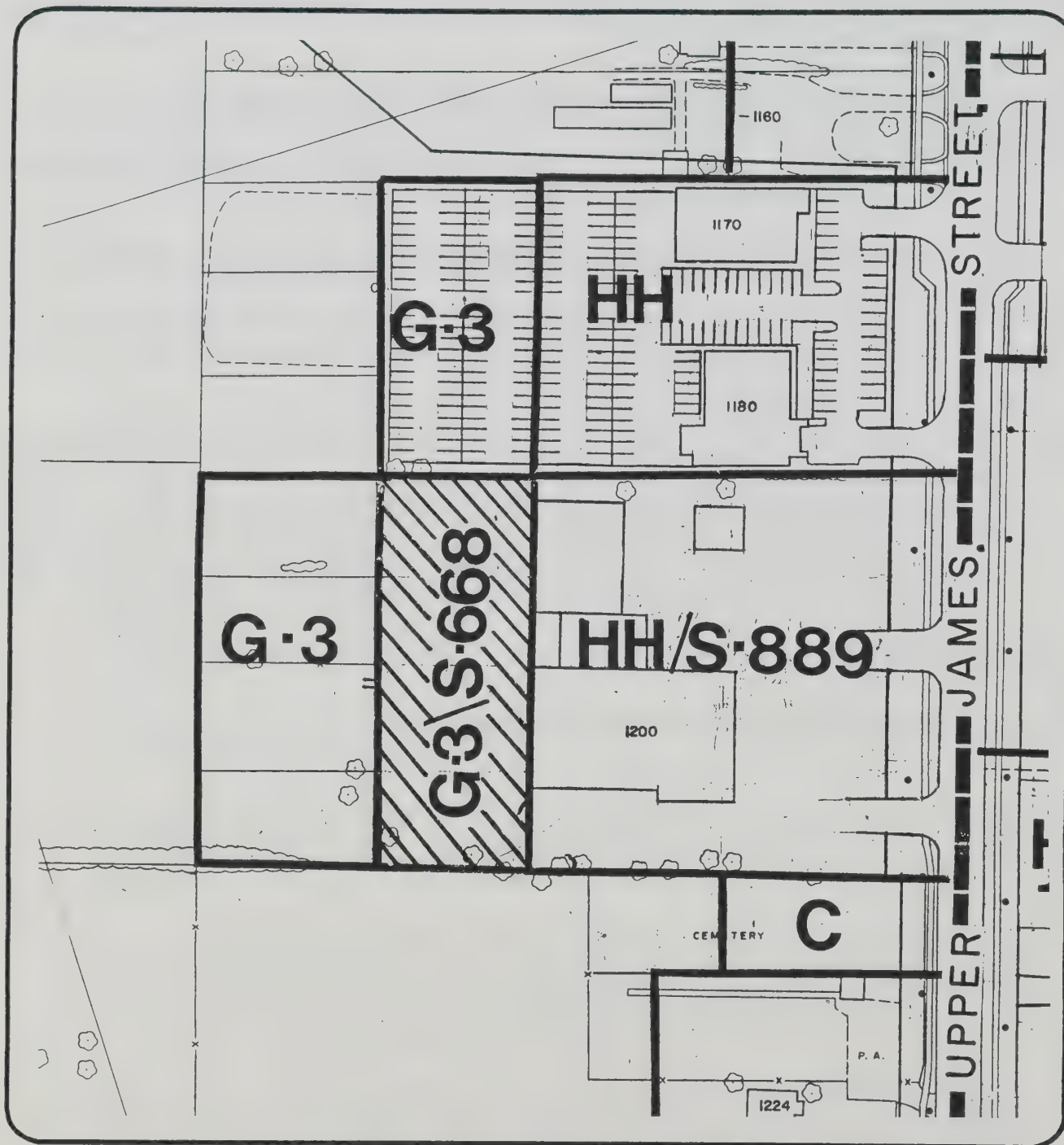
1. The proposal does not conflict with the intent of the "Commercial" designation in the Official Plan.

2. The lands are designated "**Commercial**" on the approved Stinson Neighbourhood Plan. The proposal does not conflict with the intent of the approved Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
  - i) it does not conflict with the intent of the Official Plan and the approved Kernighan Neighbourhood Plan;
  - ii) it is compatible with the existing commercial use (i.e. car dealership); and,
  - iii) the service bays are normally incidental to an automobile dealership and the carwash is to be exclusively used by the dealership as an accessory use.
4. The "G-3" (Public Parking Lots) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233. Thus, matters raised by the Community Planning and Development Division (Building) related to the gross floor area, required parking, and landscaping associated with the development will be further reviewed at the site plan approval stage of development under an amendment to the previously approved Site Plan Control Application DA-86-63.

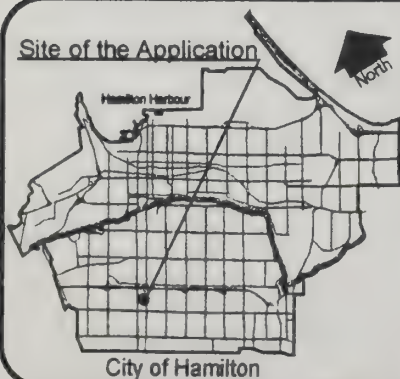
#### CONCLUSION:

Based on the foregoing, the application can be supported.





Site of the Application



City of Hamilton

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend



Further modification to the  
"G-3"(Public Parking Lots) District, modified

Reference file:

**ZAR-99-24**

Scale

**Not to Scale**

Date

**June, 1999**

Technician:

**B. B.**

**APPENDIX 'A'**

5.

## CITY OF HAMILTON - RECOMMENDATION -

**DATE:** 1999 September 3  
ZAC-99-30  
Central Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Request for modification to zoning – 24 & 30 Hess Street South.  
(PDC99074)

### RECOMMENDATION:

That approval be given to Zoning Application ZAC-99-30, by Jo-Ank Associates Ltd. and Tarador Holdings, owners, for a further modification to the established "E-3" (High Density Multiple Dwellings) District to permit an expansion of the existing patio bar and restaurant for lands located at 24 Hess Street South (Block "1"), and to permit a restaurant and patio bar use, for lands located at 30 Hess Street South (Block "2"), as shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That the "E-3" (High Density Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-law No. 6593 as modified by By-law No. 73-115 and By-law No. 81-28 applicable to Block "1" (24 Hess Street South) be further modified to include the following variances:
  - (1) That notwithstanding Section 1 of By-law No. 73-115, any alteration, extension or enlargement from the southerly side wall and westerly rear wall of the existing building shall be permitted and shall be permitted to be used as a restaurant.



- (2) That Section 11C. (2)(b) and (c) of Zoning By-law 6593 shall not apply.
- (3) That notwithstanding Section 11C.(3) of Zoning By-law 6593, the lot shall have a minimum lot width of 12.0m and a minimum lot area of 240.3m<sup>2</sup>.
- (4) That Section 11C.(5) of Zoning By-law 6593 shall not apply.
- (5) That Section 18. (3)(vi) of Zoning By-law 6593 shall not apply to the southerly side yard and the westerly rear yard.
- (6) That notwithstanding Section 18.(11)(a) and (b) of Zoning By-law 6593, an outdoor patio shall be permitted subject to the following special requirements:
  - (a) No outdoor patio area shall provide for a seating accommodation for more than 142 persons.
  - (b) That an outdoor patio shall be permitted to adjoin the residential district to the southerly and westerly lot lines.
  - (c) That an outdoor patio area may be located on the second floor.
- (7) That notwithstanding By-law No. 73-115 as amended by By-law No. 81-28, that Section 2(ii) of By-law No. 81-28 be further modified as follows:
  - (a) one ground sign and one wall sign or projecting sign shall be permitted and shall have a total area of not greater than 0.8m<sup>2</sup> (8.6 sq. ft.); and
  - (b) the sign may be illuminated, in a manner which is non-flashing, indirect or internal.
- (ii) That the "E-3" (High Density Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-law No. 6593 as modified by By-law No. 73-115 and By-law No. 81-28 applicable to Block "2" (30 Hess Street South) be further modified to include the following variances:
  - (1) Notwithstanding Section 1 of By-law No. 73-115, any alteration, extension or enlargement from the northerly and southerly side

walls and westerly rear wall of the existing building shall be permitted and shall be permitted to be used as a restaurant.

- (2) That Section 11C. (2)(b) and (c) of Zoning By-law 6593 shall not apply.
- (3) That notwithstanding Section 11C. (3) of Zoning By-law 6593, the lot shall have a minimum lot width of 13.2m and a minimum lot area of 266.1m<sup>2</sup>.
- (4) That Section 11C. (5) of Zoning By-law 6593 be deleted.
- (5) That Section 18. (3)(vi) of Zoning By-law 6593 shall not apply to the southerly and northerly side yards and the westerly rear yard.
- (6) That notwithstanding Section 18.(11)(a) and (b) of Zoning By-law 6593, an outdoor patio shall be permitted subject to the following special requirements:
  - (a) No outdoor patio area shall provide for a seating accommodation for more than 220 persons.
  - (b) That an outdoor patio shall be permitted to adjoin the residential district to the southerly and westerly lot lines and over the front canopy area.
  - (c) That an outdoor patio area may be located on the second floor.
- (7) Notwithstanding By-law No. 73-115 as amended by By-law No. 81-28, that Section 2(ii) of By-law No. 81-28 be further modified as follows:
  - (a) one wall sign or projecting sign shall be permitted and shall have a total area of no greater than 1.4m<sup>2</sup> (15 sq. ft.);
  - (b) the sign may be illuminated, in a manner which is non-flashing, indirect or internal; and,
  - (c) a business identification for the adjoining property at 24 Hess Street South shall be permitted.



- (iii) That the Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map W-4 for presentation to City Council;
- (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, and that the subject lands on Zoning District Map W-4 be noted as S-262b; and,
- (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

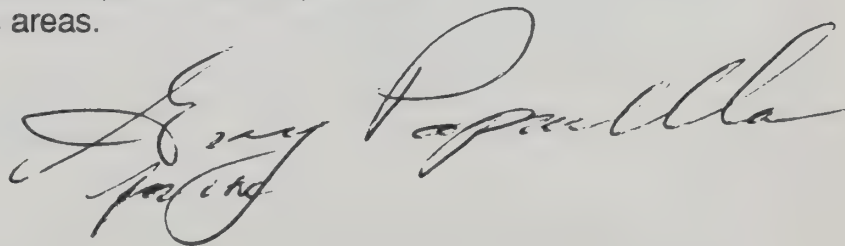
#### **EXPLANATORY NOTE:**

The purpose of the by-law is to provide for a modification to the established "E-3" (High Density Multiple Dwellings) District for lands located at 24 and 30 Hess Street South, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A"

The effect of the by-law is to permit the development of the subject lands to permit alterations, expansions and additions to the existing buildings and to extend the existing restaurant use and patio areas. One restaurant with patio area will operate on the two properties as a combined, integrated site. In addition the outdoor patio area will expand to a second level, between the two buildings.

In addition the by-law provides for the following variances:

- To permit alteration, extension or enlargement to the two existing buildings and the expansion of the restaurant use.
- To permit the expansion of the outdoor patio areas on the ground and second floor levels.
- To recognize the existing lot width and lot area.
- To delete the requirement of a minimum required landscape area.
- To permit the existing signs and sign areas.

A handwritten signature in black ink, appearing to read "Tony Paparella". The signature is written in a cursive, flowing style. Below the main signature, there is a smaller, less legible handwritten mark that could be interpreted as "for info".

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for a zoning by-law amendment.

## BACKGROUND:

### Proposal

The applicant is proposing to extend the existing restaurant and patio area located at 24 Hess Street South (Block "1"), and create a patio bar and restaurant with related building additions on lands located at 30 Hess Street South, (Block "2"), as shown on the attached map marked as APPENDIX "A". The facility, known as the "Gown and Gavel" will function as one integrated restaurant and patio area on the two separately owned properties, with the related building additions connecting at the common side property line. Wood deck areas at both ground level and second floor level will provide a variety of outdoor patio areas to enhance the function and character of the surrounding area. Existing trees on the land will be maintained and site lighting will be enhanced.

The patio area will extend onto the adjacent road allowances of Hess Street South and George Street with planter boxes throughout the site.

## APPLICANT:

Jo-Ank Associates Ltd. and Tarador Holdings, owners,

## LOT SIZE AND AREA:

The subject lands 24 and 30 Hess Street South have:

- Frontages of 12.52m and 13.25 m respectively, on Hess Street South;
- A depth of 20.11 m; and,
- Lot areas of approximately 240.36 m<sup>2</sup> and 266.15 m<sup>2</sup>, respectively.

## LAND USE AND ZONING:

|                               | <u>Existing Land Use</u> | <u>Existing Zoning</u>  |
|-------------------------------|--------------------------|---|
| <u>Subject Lands</u>          |                          |   |
| ▪ <u>24 Hess Street South</u> | Restaurant & Patio       | "E-3/S-262a"<br>(High Density Multiple Dwellings)<br>District |
| ▪ <u>30 Hess Street South</u> | Single Family Dwelling,  |   |



retail space & patio

"E-3/S-262a"  
(High Density Multiple Dwellings)  
District

### Surrounding Lands

- |                |                    |   |
|----------------|--------------------|---|
| ▪ To the north | Restaurant & patio | "E-3/S-364"(High Density) District<br>(High Density Multiple Dwellings)<br>District |
| ▪ To the east  | Restaurant & patio | "E-3/S-S-262a"<br>(High Density Multiple Dwellings)<br>District                     |
| ▪ To the south | Restaurant & patio | "E-3/S302"<br>(High Density Multiple Dwellings)<br>District                         |
| ▪ To the west  | Restaurant & patio | "E-3/S525"<br>(High Density Multiple Dwellings)<br>District                         |

### **OFFICIAL PLAN:**

The lands are designated **Central Policy Area** - Special Policy Area No. 3 in the City of Hamilton Official Plan. The following policies, amongst others apply:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved.
- A.2.8.9 It is the intent of Council that the character and function of the CENTRAL POLICY AREA be enhanced. Specifically Council will:
- iv) Endeavour to improve the streetscape in the CENTRAL POLICY AREA and, accordingly, will consider such actions as, but not limited to, the following:
    - a) improvements to pedestrian and street lighting;
    - b) provisions and maintenance of street furniture, rest areas, kiosks, information booths, landscaping and tree planting; and,
    - c) regulation of signage.

A.2.9.3.1viii) Council will encourage mixed Commercial/Residential developments or redevelopments within the Central Policy Area and Commercial areas of SPECIAL POLICY AREA 3, subject to the General Provisions of Subsection A.2.2; (O.P.A. No.27)

C.6.1 It is the intent of Council to encourage the preservation, maintenance, reconstruction, restoration and management of property that is considered to have historic, architectural, archaeological or aesthetic value."

Based on the forgoing, the proposed modification in zoning complies with the Official Plan.

### NEIGHBOURHOOD PLAN:

The subject lands are located within the Central Neighbourhood and are designated "Commercial". The proposal complies with the approved Neighbourhood Plan.

### COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has advised that they have no objection to the application.
- The Traffic Division, Department of Public Works and Traffic has advised that they have no comments with respect to the proposed changes in zoning.
- The Building Department has advised the following variances are required:

"Block 1 - 24 Hess Street South

1. To permit the patio bar addition erected on the south side since the last Committee of Adjustment approval and any proposed addition to be used for a restaurant.
2. To permit the server addition with a canopy to encroach over the southerly lot line on the adjoining property and not provide the 1.5m side yard.
3. To permit the deck and the balcony to encroach over the southerly lot line onto the adjoining property and not to provide the 0.5m and 1.0m side yards respectively.
  1. To permit the rear addition and the balcony to encroach over the southerly lot line onto the adjoining property and up to the rear lot line of this property and not provide the 1.5m and 1.0m side yards respectively and not to provide the 3.0m and 2.0m rear yard respectively.



2. To permit the existing and proposed uses on the existing lot width and area.
3. To delete the requirement of a minimum required landscape area.
4. To permit the existing patio area to remain and to permit a second floor patio area.
5. To permit the existing signage to remain.
6. To permit the sign on the balcony located on the adjoining property.
7. To permit the proposed additions, decks and balcony to be over the lot line and attached to 30 Hess Street South and 24 Hess Street South which are owned and registered separately."

#### Block 2 - 30 Hess Street South

1. To permit a restaurant and outdoor patio use.
2. To permit the deck and the balcony to encroach over the northerly lot line onto the adjoining property and up to the rear lot line of this property, and not provide the 0.5m and 1.0m side yards respectively.
3. To permit the balcony to encroach over the northerly lot line onto the adjoining property and up to the rear lot line of this property and not provide the 1.0m side yard and not to provide the 2.0m rear yard respectively.
4. To permit the existing and proposed uses on the existing lot width and lot area.
5. To delete the requirement of a minimum required landscape area.
6. To permit the existing patio area to remain and to permit a second floor patio area.
7. To permit the existing signage to remain.
8. To permit a sign on the balcony located on the adjoining property.
9. To permit the proposed additions, decks and balcony to be over the lot line and attached to 24 Hess Street South and 30 Hess Street South, which are owned and registered separately.

- The Regional Environment Department, has advised the following:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands.

According to our records, the existing road allowance width of George Street is 12.19m. The minimum road allowance width for the City of Hamilton streets is 15.24m. Therefore the applicant/owner should be advised of a possible future 1.5m road allowance widening to establish this width at some future date.

According to the plans submitted, there are a number of encroachments into the Hess Street South road allowance. It appears from our records that some of these

encroachments have been covered under existing encroachment agreements with the City of Hamilton. A portion of the encroachments into the Hess Street road allowance adjacent to No. 30 Hess Street South has not been covered under an encroachment agreement.

As a condition of approval, we recommend that the applicant/owner enter into and/or finalize the encroachment agreement with the City of Hamilton for all outstanding encroachments into the adjacent road allowances not currently included in an existing encroachment agreement."

- The Community Planning and Development Division advised the following:

"REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP).

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Treasury Department has advised the following:

|   |                   |
|---|-------------------|
| 24 Hess Street South – O/S Realty Tax – 1998 - \$ | 366.53            |
|   | 1999 - \$ 7341.69 |
| Total   | \$ 7708.22        |

30 Hess Street South – Realty Tax paid to date.

#### **COMMENTS:**

1. The proposal complies with the general intent of the Official Plan and the approved Central Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
  - i) it implements the intent of the Official Plan and the Central Neighbourhood Plan;
  - ii) it would be consistent with the abutting commercial uses and the established character of the area.
3. The proposed variances to the "E-3" District can be supported in that it will permit the two separate properties to operate as a single facility. The proposed site improvements will enhance the area and add to the character and life of the surrounding area. The proposed building additions and patio areas are in keeping with the surrounding uses.



The applicant has requested variances to the provisions of the Zoning By-law to permit reduced yard setbacks, to permit construction of building additions and decks between the two properties. An upper deck level is also proposed to join the existing buildings. The proposed variances as noted by the Building Department in the Comments Received section of this report can be generally addressed in the following:

- Building additions and alterations:

The established by-laws for the subject land and the surrounding properties permitted the commercial uses within the existing buildings. As such, any renovations, expansions and additions require a modification to the by-law. The tenant who occupies Blocks "1" and "2" (24 and 30 Hess Street South) proposes to integrate the use of the properties and operate as one combined facility, which requires building additions and alterations between the two properties. This results in the variances in expansion of the buildings and restaurant use and deleting the required side and rear yards of both properties. In addition, some of the proposed deck areas are considered as structures and require the same yards as the buildings. The decks allow a variety of levels in reaching the building main level and are consistent with the character of other properties in the area.

The proposed variances to the side and rear yard setbacks can be supported since the development is in keeping with the general character of the area and will allow the integration of the two properties to operate as one facility.

- Outdoor Patio Area and Levels:

The outdoor patios and restaurants of the area of "Hess Village" have become a recognized City wide attraction. As such each facility has endeavoured to provide attractive and useable areas to improve the facilities and streetscape in the village. The proposed second floor outdoor patio is primarily between the two buildings with a minor area abutting the street allowance. The proposed variance to permit the outdoor patio area additions and upper level can be supported in that it is consistent with the character and activities of the surrounding properties.

- Signing:

The owner of the Gown and Gavel presently operates the facility on the two subject properties and intends to maintain the operation as an integrated facility. The existing ground and wall signs have developed with the character of the area and do not detract from the general appearance of the area. The proposed variance is to recognize the existing signs and can therefore be supported.

4. Development of the site is subject to Site Plan Control approval. Matters dealing with such issues as building form, site improvements, encroachment agreements, and

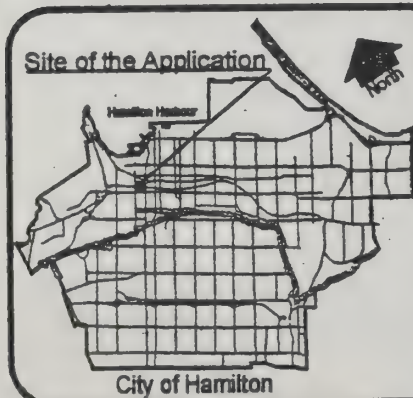
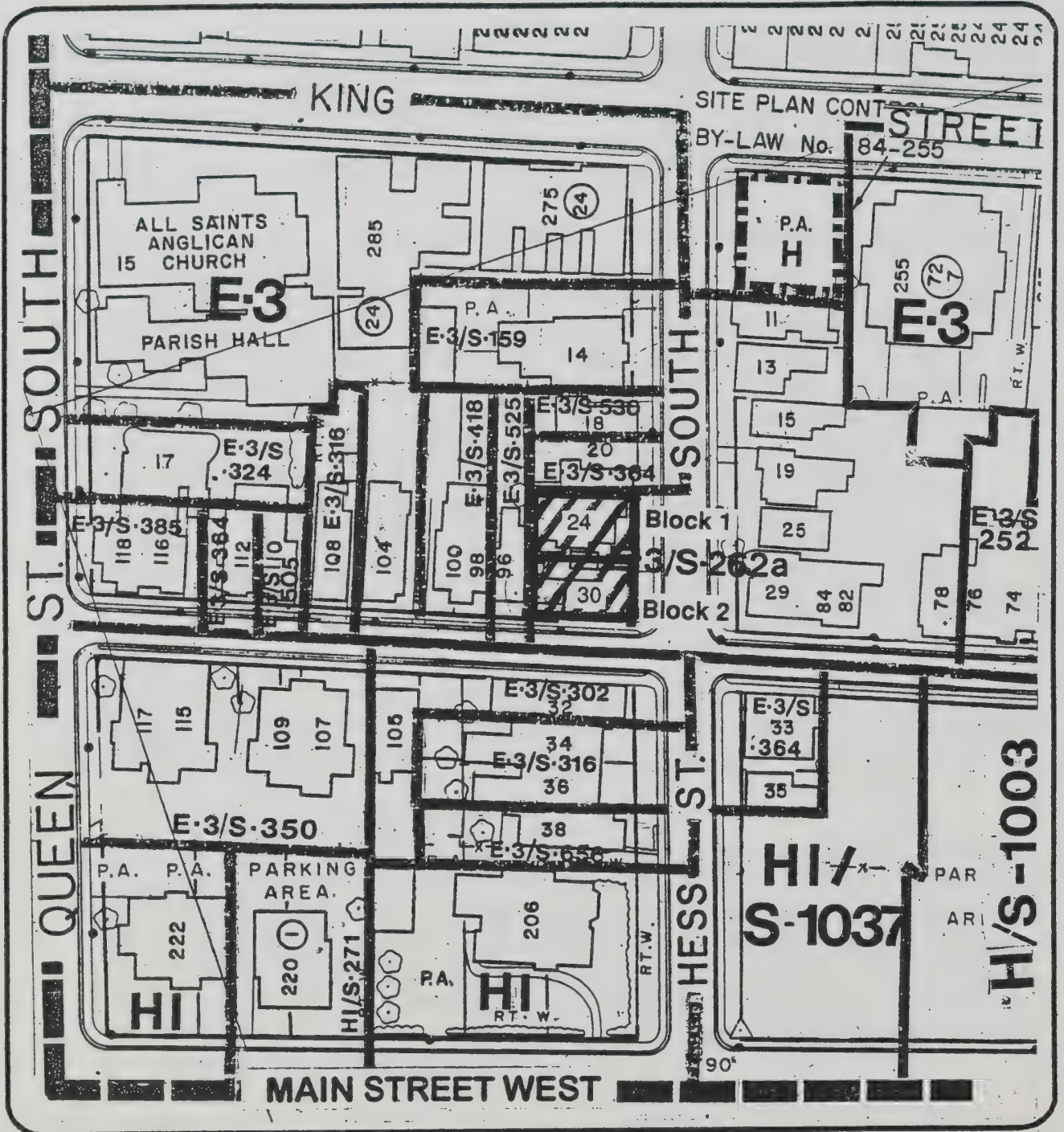
outstanding taxes will be reviewed in the processing of the Site Plan Control Application.

**CONCLUSION:**

Based on the foregoing, the application can be supported.

JPS/jps  
ZAC9930RPT





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map



Site of the Application

Reference file:

ZAC-09-30

Scale

Not to Scale

Date

July, 1999

Technician:

J.S.

APPENDIX 'A'

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1999 September 3  
ZAC-99-29, SAR-99-01  
(25T-99006)  
Eleanor Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Proposed Draft Plan of Subdivision "Sherman Meadows" (File No. SAR-99-01/Regional File 25T-99006)

Request for a change in zoning for property located at the rear lands of 1515 and 1519 Upper Sherman Avenue. (PDC99077)

### RECOMMENDATION:

- (a) That approval be given to Subdivision Application 99-01 (Regional File No. 25T-99006), Harp Homes Building Corporation, prospective owner, to establish a draft plan of subdivision "Sherman Meadows" on lands located at the rear of 1515 and 1519 Upper Sherman Avenue, in the Eleanor Neighbourhood, as shown on the attached map marked as APPENDIX "A" subject to the following conditions:
- (i) That this approval apply to the plan as revised in red, prepared by Urbex Engineering Limited and certified by B.A. Jacobs, O.L.S., dated May 27, 1999, showing 18 lots for single detached dwellings, 12 Blocks to be developed in conjunction with adjacent lands for single family dwellings (Blocks 19-30), one (1) block for a 0.3 m reserve (Block 31), and two (2) streets identified as Street "A" and Street "B", attached as APPENDIX "B";
  - (ii) That the Owner establish Streets "A" & "B" to their full width and that these lands be conveyed to the City of Hamilton;
  - (iii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes;
  - (iv) That Streets "A" and "B" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;
  - (v) That the owner prepare and submit, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, a municipal street numbering plan;



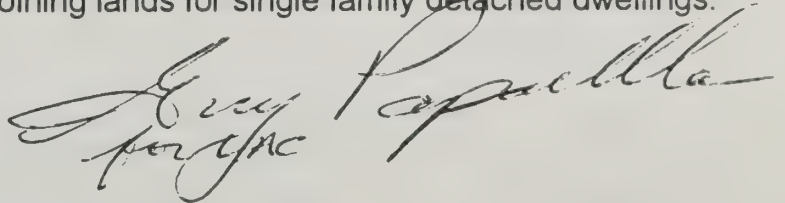
- (vi) That the final plan conform with the Zoning By-law approved under the Planning Act;
- (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;
- (viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
- (ix) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;
- (x) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands;
- (xi) That a 0.3 m reserve (Block 31) be established along the front of Lots 3 and 4 and the owner agree in writing to declare Lots 3 and 4 unsuitable for building purposes until such time as the existing dwelling known as 1515 Upper Sherman Avenue has been demolished;
- (xii) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands;
- (xiii) That Blocks 19-30 inclusive, be developed in conjunction with adjacent lands;
- (xiv) That Lots 3 to 18, inclusive, Blocks 19 to 29, inclusive not be allowed to develop until such time as Public Highways have been established by By-law to provide direct access to these lands;
- (xv) That Lots 3 to 18, inclusive, Blocks 19 to 29, inclusive not be allowed to develop until such time as full municipal services are available to service these lands directly;
- (xvi) That Eaglewood Drive must align centreline to centreline with Eaglewood Drive to the north as shown on Reference Plan 62R-15032;
- (xvii) That the applicant/owner identify by survey the location of the mid-block collector street to Upper Sherman Avenue with the proposed mid-block collector street on the west side of Upper Sherman Avenue to the satisfaction of the City and the Region prior to the development of any portion of these lands;
- (xviii) That no more than 100 units are developed on a temporary basis with only one access from Upper Sherman Avenue. A second access may be required in order to service all lots and blocks for this development;

- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton with respect to this application (25T-9006), Harp Homes Building Corporation, prospective owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;
- (c) That the Municipal Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division of Council's decision;
- (d) That approval be given to Zoning Application 99-29, Harp Homes Building Corporation, prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property at the rear of 1515 and 1519 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - (i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
  - (ii) That the Director, Land Development Department, Community Planning and Development Division be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;
  - (iii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

#### EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at the rear of 1515 and 1519 Upper Sherman Avenue.

The effect of the By-law is to permit the development of the subject lands in accordance with the proposed plan of subdivision "Sherman Meadows" (Regional File 25T- 99006), consisting of 18 lots for single family detached dwellings and 12 blocks of land for future development in conjunction with adjoining lands for single family detached dwellings.



#### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.



**BACKGROUND:**

- Proposal

The applicant is requesting a rezoning for the land located at the rear of 1515 and 1519 Upper Sherman Avenue (see Appendix "A"). The purpose the application is to permit the development of the subject lands in accordance with the proposed plan of subdivision "Sherman Meadows" (Regional File 25T- 99006), consisting of 18 lots for single family detached dwellings and 12 blocks of land for future development in conjunction with adjoining lands for single family detached dwellings (see Appendix "B").

**LOT SIZE AND AREA:**

The subject property has:

- a width of 32.867 m along Upper Sherman Avenue;
- a depth of approximately 186.842 m; and,
- an area of 1.175 ha.

**APPLICANT:**

Harp Homes Building Corporation, prospective owner.

**AGENT:**

Urbex Engineering Limited.

**SURVEYOR:**

B.A. Jacobs Surveying Ltd., O.L.S.

**LAND USE AND ZONING:**

|                             | <u>Existing Land Use</u>            | <u>Existing Zoning</u>                             |
|-----------------------------|-------------------------------------|--|
| <u>Subject Lands</u>        | Vacant Land                         | "AA" (Agricultural) District                       |
| <u>Surrounding Land Use</u> |                                     |  |
| To the north                | Vacant Land                         | "AA" (Agricultural) District                       |
| To the south                | Vacant Land                         | "AA" (Agricultural) District                       |
| To the east                 | Single Family<br>Detached Dwellings | "C"(Urban Protected Residential,<br>etc.) District |

To the west

Single Family  
Detached Dwellings

"C" (Urban Protected Residential,  
etc.) District

## **EXISTING DEVELOPMENT CONTROLS:**

### **City of Hamilton Official Plan:**

The lands are designated "Residential". The proposal complies with the intent of the Official Plan.

### **Hamilton-Wentworth Official Plan:**

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

### **Neighbourhood Plan:**

The subject lands are designated "Single and Double Residential" on the approved Eleanor Neighbourhood Plan. The proposal complies with the approved plan.

Furthermore, the Eleanor Neighbourhood Plan indicates that a street would be constructed from the easterly north-south street easterly (future extension of Dulgaren) to Eleanor Avenue. This street has been precluded due to the construction of a single-family dwelling in the location of the proposed street connection between the planned extension of Dulgaren Street and Eleanor Avenue. Therefore, as part of a house keeping amendment a Neighbourhood Plan amendment would be required to eliminate the proposed street.

## **COMMENTS FROM CIRCULATION:**

- The Community Planning and Development Division (Engineering Section) has submitted the following comments and recommendations:

"There are public watermains and separate storm and sanitary sewers available on Upper Sherman Avenue. However, the internal lands will be required to be serviced through the draft plan of subdivision to be known as "Sherman Meadows".

In conjunction with this application the applicant has also submitted Subdivision Application SAR-99-01 (25T-99006). We have reviewed this application on the basis that the lands to be rezoned will be developed through a satisfactory plan of subdivision.

The applicant/owner should be advised that the development of these lands, the establishment of the streets and public highway access to these lands is dependant on the development of lands to either the north or the south to gain access to Upper Sherman Avenue or to existing Eaglewood Drive. Although the access to the north is shown on the plans submitted, any future purchasers should be advised of this redevelopment requirement.



All other comments on the specific plan of subdivision will be submitted in our response on Application SAR-99-01.

- "1. That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.
2. That Lots 3 to 18, inclusive, Blocks 19 to 29, inclusive not be allowed to develop until such time as Public Highways have been established by By-law to provide direct access to these lands.
3. That Lots 3 to 18, inclusive, Blocks 19 to 29, inclusive not be allowed to develop until such time as full municipal services are available to service these lands directly.
4. That Eaglewood Drive must align centreline to centreline with Eaglewood Drive to the north as shown on Reference Plan 62R-15032.
5. That the applicant/owner identify by survey the location of the mid-block collector street to Upper Sherman Avenue with the proposed mid-block collector street on the west side of Upper Sherman Avenue to the satisfaction of the City and the Region prior to the development of any portion of these lands.
6. That no more than 100 units are developed on a temporary basis with only one access from Upper Sherman Avenue. A second access may be required in order to service all lots and blocks for this development.

**Information:**

1. The designated road allowance width of Upper Sherman Avenue is 30.48m. According to our records, the Region of Hamilton-Wentworth previously acquired the required road allowance widening on Upper Sherman Avenue. Therefore, we do not anticipate any further road allowance widenings on Upper Sherman Avenue at this time.
2. According to our records the existing access to lands at No. 1515 Upper Sherman Avenue will have to be relocated northerly onto their frontage and that a new access to Lot 2 will be required. Arrangements must be made with the Public Works Section of our Division to ensure that the overland drainage through the culvert under the asphalt sidewalk to the municipal ditch is maintained.
3. According to our Office records, the entire subdivision excluding Lots 1 and 2 cannot be developed until such time as municipal road access is established and constructed to these lands either from the south or from the north. These lands are presently not serviceable from a transportation perspective.
4. Eaglewood Drive must align centreline to centreline with Eaglewood Drive to the north as shown on Reference Plan 62R-15032.

5. All outstanding road and servicing costs on the abutting frontage and flankage streets of the subdivision to the north must be paid to the City of Hamilton and the Region of Hamilton-Wentworth. Upon payment of these costs, the City of Hamilton will lift the .30m reserves shown on Reference Plan 62R-15032.
6. Prior to the development of Block 30, the applicant/owner must acquire the lands shown as Part 8 on Reference Plan 62R-15032 from the adjacent landowner to the north and west.
7. The original Eleanor Neighborhood Plan indicates that a street would be constructed from the easterly north-south street easterly to Eleanor Avenue. Although it has been determined that this street is not required for vehicular purposes, the entire removal of the street and the closure of Dulgaren Street to the north will likely affect pedestrian access from the internal neighborhood to Upper Sherman Avenue. This walkway should align with any walkway connection to Bolzano Court on the east side of Eleanor Avenue.

It must be determined by the Planning and Development Division whether a walkway to the east in the vicinity of Blocks 26 to 29 is still required. If so, then the location of the walkway must be determined and shown on the plan, the lands transferred to the City as a public walkway and the costs of the walkway construction must be secured under the subdivision agreement.

8. The draft plan indicates some proposed lotting and street locations on lands to the south, including the location of the mid-block collector street to Upper Sherman Avenue. As a condition of draft plan approval we recommend that the applicant/owner identify by survey the location of the mid-block collector street to Upper Sherman Avenue with the proposed mid-block collector street on the west side of Upper Sherman Avenue to the satisfaction of the City and the Region. We also require that the applicant provide the City of Hamilton with a preliminary lotting and street location proposal for these lands to the south. Although the draft plan indicates a lotting and street proposal, the proposal shown does not tie in the location of the street through actual surveys.

It is our opinion that this matter be included in this draft plan approval to ensure that the owner of lands to the south retains viable building lots and frontages adjacent to these streets. If lot area adjustments are required on Sherman Meadows draft plan it should be determined at this time.

9. It has been our practice to limit the number of residential units on a single street access on a temporary basis to 100. It is unclear as to the timing and development of this subdivision and at such time as these lands are developed, phasing of development may be required to ensure this development threshold is not exceeded.
10. It may also be appropriate to revise the approved Eleanor Neighborhood Plan to conform to the street pattern as approved by these draft plan approvals.
11. There will be a Municipal share for services installed within this development on Eaglewood Drive for extra depth asphalt.



12. There are no road widenings required by the City or Region in connection with this development.
13. There are existing storm and sanitary sewers on Upper Sherman Avenue to service lots 1 and 2 directly.
14. There is an existing watermain on Upper Sherman Avenue to service lots 1 and 2 directly.

The submitted plan, dated June 9, 1999, is satisfactory to the Community Planning & Development Division, subject to the above comments and recommendations."

- The Community Planning and Development Division (Building Section) has advised the following:
  - "1. The proposed lot requires a 12.0m lot width and a 360.0m<sup>2</sup> lot area. No dimensions indicated, however, the lot size appears to conform.
  2. If the proposal is to sever the lands from the front parcels, a successful land severance is required. Please note that a minor variance may be required to prevent the existing dwelling known as 1515 Upper Sherman Avenue to remain without the minimum required 7.5m (24.61') rear yard. No plan submitted.
  3. Please note that a severance would create a lot without frontage on a public highway.

#### SAR-99-01

1. Comments are based upon a successful zoning change from the current "AA" District to a "C" District.
2. Lots 1-18 conform with respect to the minimum required lot width of 12.0m and minimum required lot area of 360 m<sup>2</sup>.
3. Blocks 19-22 do not conform with respect to the minimum required lot widths and lot areas.
4. Blocks 23-28 conform with respect to the minimum required lot width, however, does not conform to the minimum required lot area.
5. Block 29 does not conform to the minimum required lot widths or area and does not abut upon a public highway.
6. Block 30 conforms with respect to the minimum lot width and lot area, however, does not abut upon a public highway.
7. The reserves shall be incorporated into the road allowance.

8. The existing dwelling requires minor variances to remain with insufficient rear yard. If the proposal is to demolish the dwelling, a demolition permit is required in the normal manner.

- The Department of Public Works And Traffic and The Hamilton Region Conservation Authority have no comments or has no objection.

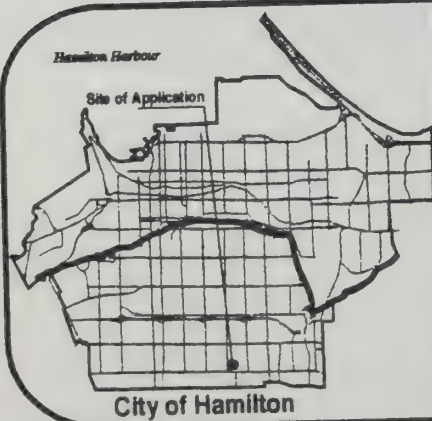
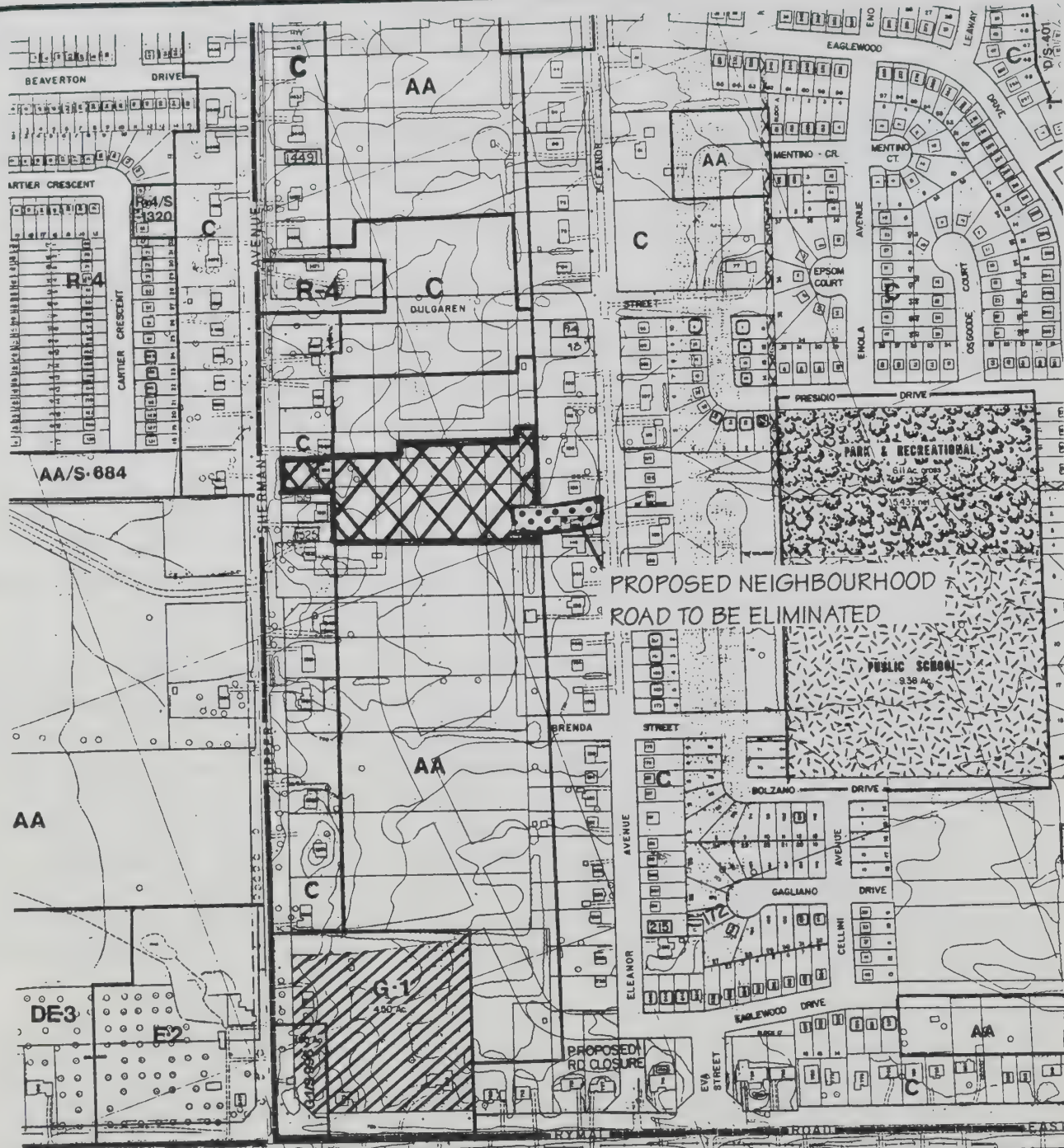
#### COMMENTS:

1. The application, has merit and can be supported on the following basis:
  - It complies with the intent of the Official Plan and the approved Eleanor Neighbourhood Plan which designates the lands "Single and Double Residential";
  - The proposed Single-Family Detached Dwellings are consistent with existing and planned development in the area; and,
  - The proposed "C" District zoning is consistent with established "C" District zoning in the area.
2. With respect to the elimination of the proposed neighbourhood street the Eleanor Neighbourhood Plan indicates that a street would be constructed from the easterly north-south street easterly (future extension of Dulgaren) to Eleanor Avenue. This street has been precluded due to the construction of a single-family dwelling in the location of the proposed street connection between the planned extension of Dulgaren Street and Eleanor Avenue. Furthermore, a pedestrian walkway is not necessary because the remaining connecting neighbourhood street (i.e Dulgaren Street to the north and Brenda Street) to the south are within reasonable walking distance. Therefore, if approved, a Neighbourhood Plan amendment would be required to eliminate the proposed street ( see Appendix "A").
3. With respect to the Community Planning and Development Division (Building) comment regarding the existing dwelling requiring a minor variances to remain with insufficient rear yard, the applicant has agreed to a condition under the draft plan subdivision approval to establish a 0.3 m reserve along the front of Lots 3 and 4 and to declare Lots 3 and 4 unsuitable for building purposes until such time as the existing dwelling known as 1515 Upper Sherman Avenue has been demolished.

#### CONCLUSION:

On the basis of the foregoing, the application can be supported.





PLANNING AND DEVELOPMENT DEPARTMENT

## Location Map



Subject Lands From: "AA" (Agricultural) District to  
"C" (Urban Protection Residential, etc.) District.

Reference file:

ZAR-99-29

Scale

Not to Scale

Date

July, 1999

Technician:

J.S



APPENDIX A







8.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1999 August 31  
ZAR-99-27  
Crerar Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Ms. Lee Ann Coveyduck  
General Manager  
Community Planning & Development Division

**SUBJECT:** Request for a change in zoning for lands located at 1423 - 1431  
Upper Wellington Street (PDC99069)

**RECOMMENDATION:**

That approval be given to Zoning Application ZAR-99-27, by Harry & Helen Bazuin and Gordon & Esther Pauls, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of a single family dwelling, for lands located at 1423-1431 Upper Wellington Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

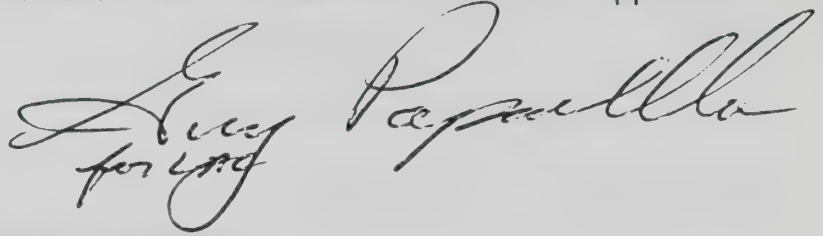
- (i) That the lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (ii) That the General Manager, Community Planning and Development Division be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate Counsel, to amend Zoning By-law No. 6593, and Zoning District Map E-18C for presentation to City Council;
- (ii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (iv) That upon approval of the Zoning By-law Amendment, the Crerar Neighbourhood Plan be amended by redesignating the subject lands from "Institutional & Special Housing" to "Single & Double Residential".

**EXPLANATORY NOTE:**

The purpose of the by-law is to provide for a change in zoning for lands located at 1423-1431 Upper Wellington Street, as shown on the attached map marked as APPENDIX "A", from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.



The effect of the by-law is to permit the development of a single family dwelling between 1423 and 1431 Upper Wellington Street in accordance with Severance Application B-99:49.



#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for a zoning by-law amendment.

#### **BACKGROUND:**

##### ▪ Proposal

The applicants are proposing to rezone their existing single-family dwelling lots from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District to recognize the established uses. Also, it is intended to sever a lot from 1423 Upper Wellington Street to create an in-fill lot.

##### ▪ Severance Application B-99:49

At its meeting of August 11, 1999, the Committee of Adjustment approved Severance Application B-99:49 to permit the conveyance of a vacant parcel of land having a frontage of 16.307m for residential purposes, and the retention of the balance of the lands having a frontage of 15.24m which is occupied by a single-family dwelling for 1423 Upper Wellington Street (see APPENDIX "B"). The approval was conditional on, among others, the finalization of the subject Zoning Application (ZAR-99-27).

#### **APPLICANTS:**

Harry & Helen Bazuin and Gordon & Esther Pauls, owners.

#### **LOT SIZE AND AREA:**

The subject lands have a total:

- Frontage of 65.7 m on Upper Wellington Street;
- Depth of 48.8 m; and,
- Lot area of 3,206.2 m<sup>2</sup>.

**LAND USE AND ZONING:**

|                          | <u>Existing Land Use</u>               | <u>Existing Zoning</u>   |
|--------------------------|--|--|
| <u>Subject Lands</u>     | Single family dwellings,<br>and vacant | "AA" (Agricultural) District                                   |
| <u>Surrounding Lands</u> |  |  |
| To the north<br>and east | Seniors residence                      | "DE" (Low Density Multiple<br>Dwellings) District,<br>modified |
| To the south             | Single family dwellings                | "C" (Urban Protected<br>Residential, etc.) District            |
| To the west              | Senior residence, nursing home         | "DE-3" (Multiple Dwellings)<br>District, modified              |

**OFFICIAL PLAN:**

The subject lands are designated "Residential" on Schedule 'A' – Land Use Concept of the Official Plan. The following policy, amongst others, apply:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

On the basis of the foregoing, the proposal complies with the intent of the Official Plan.

**NEIGHBOURHOOD PLAN:**

The subject lands are designated "Institutional & Special Housing" in the approved Crerar Neighbourhood Plan. Approval of the application will require a redesignation to "Single & Double".

**COMMENTS RECEIVED:**

- The Hamilton Region Conservation Authority and the Public Works and Traffic Department have no comment or objection.
- The Community Planning and Development Division (Building) advises:

"1. The application is for a zone change for 1431 Upper Wellington Street also and shall be included in the reference.

2. The location map is misleading. This application only rezones a portion of the "AA" District lands known as 1423 and 1431 Upper Wellington Street. There will still be a portion of land zoned "AA" District to the south, having a width of 10.973m which is part of the land known as 1441 Upper Wellington Street shown on Reference Plan 62R-11455 as Part 2."

- The Community Planning and Development Division (Development Engineering) advises:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of Upper Wellington Street is 30.48 m. In accordance with this designation, we require as a condition of development (severance) approval that sufficient lands be dedicated to the Region to establish the property line 15.24 m from the centreline of the original Upper Wellington Street road allowance.

We also note from the plans that there are street trees within the Upper Wellington Street road allowance adjacent to the lands to be developed. Unless otherwise approved by the Forestry section of our Division, these trees are to be maintained in their present location and condition.

For the information of the applicant, the elevation of the access at the widened road allowance limits should be approximately the same or 0.15 m higher than the corresponding perpendicular elevation of Upper Wellington Street with the maximum driveway grade on private property not to exceed 7 per cent."

#### COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. Approval of the proposal will require an amendment to the approved Crerar Neighbourhood Plan from "Institutional & Special Housing" to "Single & Double" residential.
3. The application has merit and can be supported as it will complement and not conflict with the existing and proposed residential development in the area. In this regard, it is an appropriate infill development, and it implements the condition of approval for Severance Application B-99:49.

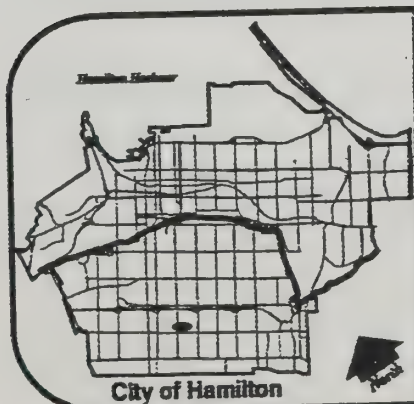
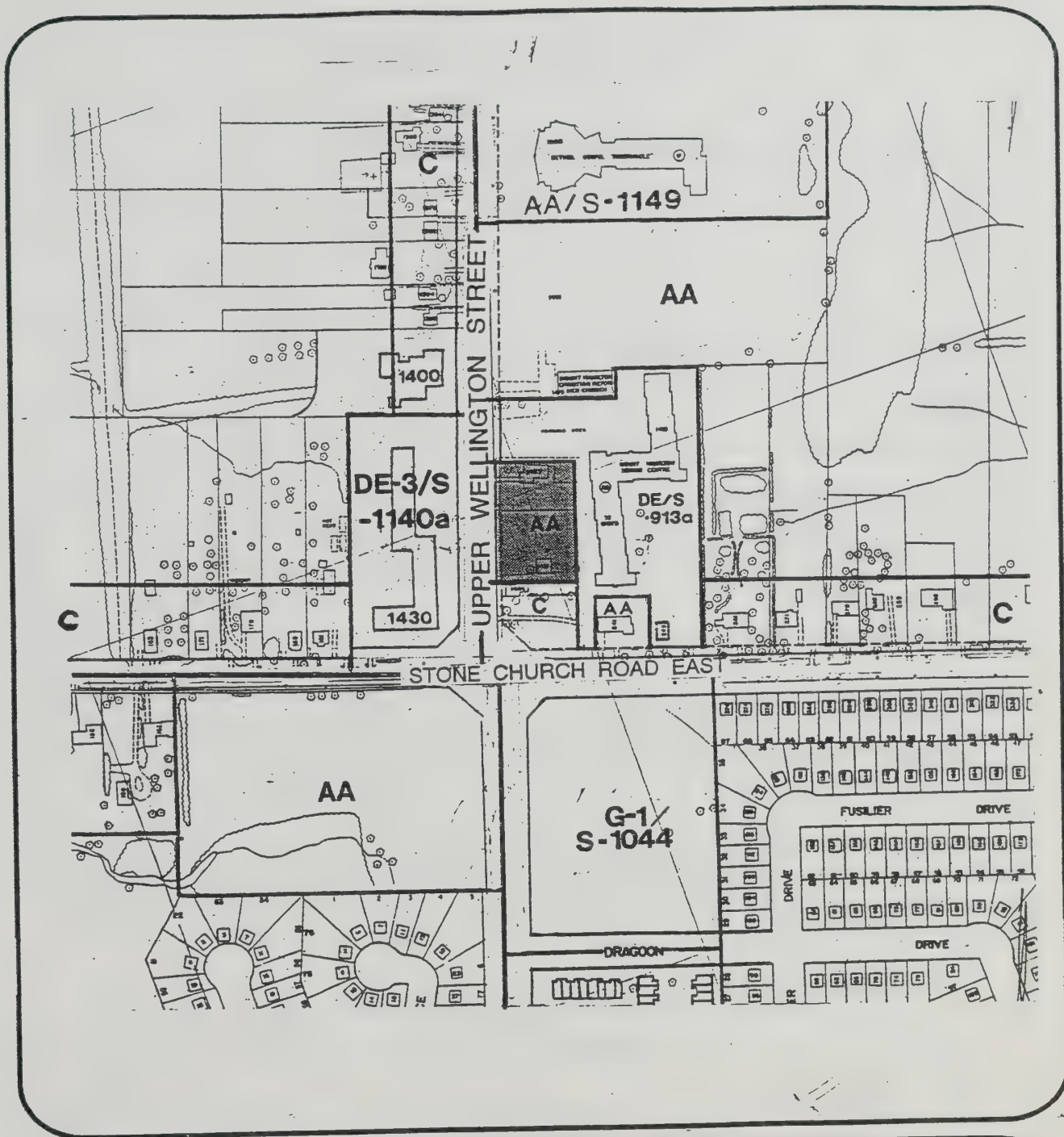
#### COMMENTS:

Based on the foregoing, the application can be supported.

CLF

ZAR-99-27





# PLANNING AND DEVELOPMENT DEPARTMENT

## Location Map

### Legend



Change in Zoning from:

"AA" (Agricultural) District to:

"C" (Urban Protected Residential, Etc.) District

Reference file:

ZAR-99-27

Scale

Not to Scale

Date

July, 1999

Technician:

FAB

APPENDIX A

SKETCH FOR LAND DIVISION COMMITTEE  
OF PART OF

LOT 12

CONCESSION 7

GEOGRAPHIC

TOWNSHIP OF BARTON

IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF

HAMILTON - WENTWORTH

SCALE 1: 300 METRIC

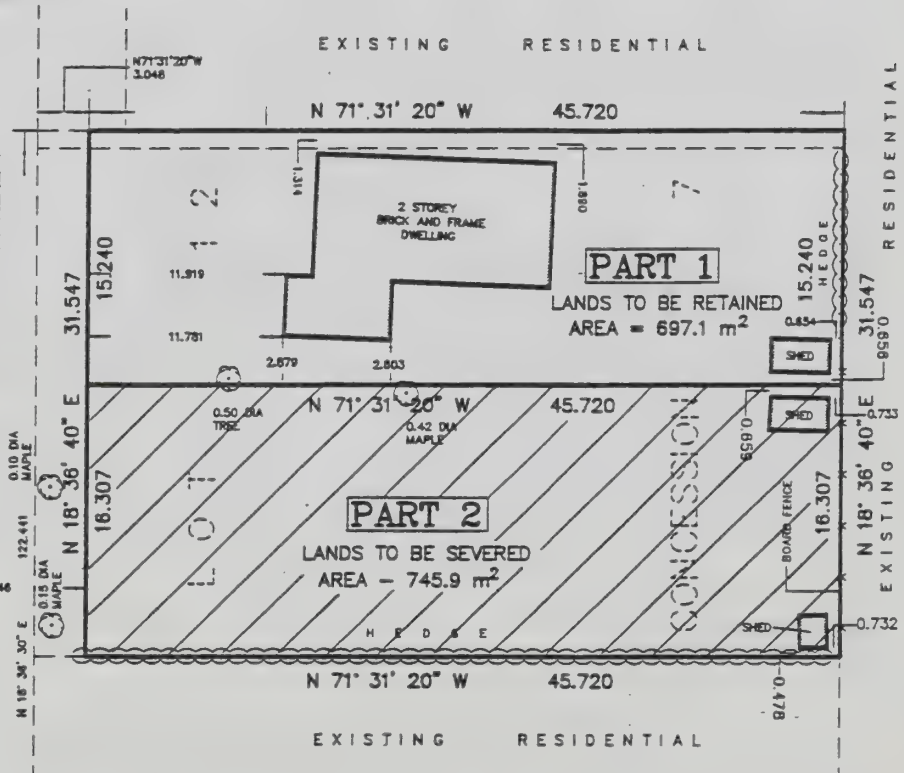


S.D. McLaren, O.L.S.-1999



ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 12 AND 13

UPPER WELLINGTON STREET



SKETCH

SOUTHWEST CORNER OF  
LOT 12, CONCESSION 7

STONE CHURCH ROAD

JUNE 18, 1999  
DATE

S.D. McLaren, O.L.S.



A.T. McLaren Limited  
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn RBM Checked DG Scale 1:300 Dwg.No. 28635

APPENDIX B

9.

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1999 September 02  
Author: H. Milsome

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** D. Lobo, Commissioner  
Department of Public Works and Traffic

**SUBJECT:** **The King Street West Community Improvement Plan to  
Authorize the Implementation of the Commercial Property  
Improvement Loan Program (PWT99039)**

### RECOMMENDATION:

- (a) That the King Street West Community Improvement Plan attached to this report as Appendix 'A' be adopted in order to implement the Commercial Property Improvement Loan Program within the King Street West Community Improvement Project Area;
- (b) That the draft by-law attached to this report as Appendix 'B' be passed and enacted by Council to adopt the King Street West Community Improvement Plan to authorize the implementation of the "Commercial Property Improvement Loan Program" within the King Street West Community Improvement Project Area;
- (c) That (a) and (b) above be submitted to the Minister of Municipal Affairs and Housing for approval.



### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Commercial Property Improvement Loan Program is administered by the Social and Public Health Service Division, Housing and Shelter Branch, and extended to commercial property and business owners located in Hamilton's Business Improvement Areas. In accordance with the Planning Act, Section 28, the City of Hamilton must designate a Community Improvement Project Area (CIPA) and create a corresponding Community Improvement Plan (C.I.P.) in order to offer loans to assessed property owners for the rehabilitation of buildings. In 1997 the Province of Ontario approved legislation that would allow the City of Hamilton to offer loans to business tenants within



**The King Street West Community Improvement Plan to Authorize the Implementation of the Commercial Property Improvement Loan Program (PWT99039)**

a Community Improvement Project Area. The King Street West Community Improvement Project Area was adopted by City Council at its meeting held 1999 August 11.

Monies to fund the Commercial Property Improvement Loan Program are held in Account Number CH 1545 200371. The present balance in the account is \$671,766.83.

There are no staffing implications.

**BACKGROUND:**

The King Street West Business Improvement Area (B.I.A.) was designated by By-law No. 98-252 in October 1998. The Commercial Property Improvement Loan Program is a program that offers loans at zero percent interest, amortized over ten years to assessed commercial property owners and business owners within Hamilton's B.I.A.'s for the purpose of rehabilitating their properties. The eligibility criteria for the Commercial Property Improvement Loan Program dictates that a B.I.A. must have been in existence for one year and that the average B.I.A. levy must be \$100. A more detailed description of program criteria is contained in Appendix 'A' of this report.

c.c. A. F. Leitch, General Manager,  
Transportation, Operations and Environment Division  
R. Roszell, Corporate Counsel, Attn: D. Powers  
M. Mascarenhas, Social and Public Health Services Division,  
Housing & Shelter Branch

***THE KING STREET WEST  
COMMUNITY IMPROVEMENT PLAN***

1999 JULY

# **THE KING STREET WEST COMMUNITY IMPROVEMENT PLAN FOR THE KING STREET WEST COMMUNITY IMPROVEMENT PROJECT AREA**

## **PURPOSE:**

This Community Improvement Plan is intended to apply to the King Street West Community Improvement Project Area as shown in Schedule 'A'.

Rather than being focussed on large-scale redevelopment, this Community Improvement Plan focuses on rehabilitation and the updating of existing facades and interiors of commercial buildings within the King Street West Community Improvement Project Area.

## **INTRODUCTION:**

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Streetscape improvements need to be augmented by corresponding visual improvements to the surrounding built environment. The visual appearance can be enhanced through the upgrading of existing building fronts and interiors of commercial buildings.



To encourage individual owners of buildings to renovate, loans are available from the Municipality under this Plan through the Commercial Property Improvement Loan Program in accordance with the guidelines attached as Schedule 'B'. This program demonstrates the City's leadership in a joint public-private funding approach to improving the environment within the King Street West Community Improvement Project Area.

**KING ST. W. COMMUNITY IMPROVEMENT PROJECT AREA**

**KING ST. W. COMMUNITY IMPROVEMENT PROJECT AREA**

**SCHEDULE 'B'****COMMERCIAL PROPERTY IMPROVEMENT LOAN PROGRAM  
PROPERTY OWNER GUIDELINES**

1. Upon receipt of a satisfactory application which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189. If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.
2. Repayment of the loans shall be monthly but open to full repayment at any time without notice or penalty.
3. These loans are solely intended for the owners of lands within the said designated Community Improvement Project Area where the owners' lands are used for non-residential commercial purposes which, in the opinion of the City,
  - (a) are intended for the eligible improvements and expenses contemplated in the corresponding Plan.
  - (b) fulfil the objectives of the City expressed in the corresponding Plan.
  - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
4. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of \$15,000 in respect of the cost of eligible façade and exterior renovations to



each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Board of Management of the respective Business Improvement Area. These loans are subject to a maximum limit of \$45,000 (3 units, \$15,000 each) for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s).

5. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of \$10,000 in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Board of Management of the respective Business Improvement Area, subject to,
  - (a) a loan maximum of \$30,000 for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s); and,
  - (b) the tenant, if any, accepting in writing the proposed interior improvements.
6. Loans may be for the following types of improvements and their related expenses:
  - exterior building envelope
  - major building systems, including roof, wiring, plumbing, heating
  - interior fixtures, including partitions
  - interior decorating, including lighting, painting, wallpaper, etc.
  - built-in showcases, freezers, special plumbing, etc.
  - exterior/interior signage
  - related professional fees (architects, engineers, appraisers, lawyers etc.) and application fee of the greater of 1.5% of the loan or \$200
  - such other loan program administrative fees fixed by Council from time to time

Loans shall be advanced only in respect of completed work that has been inspected by the City.

Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.

7. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Before a loan is advanced for façade improvements (storefronts, aesthetics, signage etc.), deficiencies shall be repaired and qualify for a loan.
8. The owner will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
9. A report of the Social and Public Health Services Division, Housing and Shelter Branch, on each loan will be made to the Planning and Development Committee and Council for approval. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of the loan applications.
10.
  - (A) Each borrower shall give the City a promissory note in respect of each loan;
  - (B) As security for repayment of the loan made by the City, the borrower shall:
    - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;
    - (ii) consent to a City Lien being registered on title to the property being improved in which the property

owner must have at least 25% equity, after covering outstanding property encumbrances, not including the amount of the City's loan;

- (iii) where an owner has less than 25% equity in the property being improved:
  - (1) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
  - (2) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City, at the owner's expense, in a form satisfactory to the City Solicitor;
- (iv) keep in good standing all realty taxes and B.I.A. levies.

10. Upon sale of the property improved by the loan, the loan/lien is due and payable in full to the City unless the new owner of the property meets the lending criteria and assumes the original terms and conditions of the loan.

Upon sale of a property which secures by a collateral mortgage repayment of a loan, the loan is due and payable in full to the City.



## TENANT LOAN GUIDELINES

11. The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within a Community Improvement Project Area. To be eligible for a loan the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for a levy payable to the Board of Management of the respective Business Improvement Area.
12. Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189. If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.
13. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
14. These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Area where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
  - (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan;
  - (b) fulfil the objectives of the City expressed in the Community Improvement Plan;

- (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
15. Loan amounts shall not exceed the sum of \$10,000 in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If a tenant has more than one leasehold interest eligible for this program, the tenant may only receive a maximum of \$30,000 in loans under this Program.
16. In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000 collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
17. Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions
  - interior decorating, including lighting, painting, wallpaper etc.
  - built-in showcases, freezers, special plumbing etc.
  - signage
  - related professional fees (architects, engineers, appraisers, lawyers etc.) and the application fee of the greater of 1.5% of the loan or \$200
  - such other loan program administrative fees fixed by Council from time to time.
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21. The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
22. A report by the Social and Public Health Services Division, Housing and Shelter Branch, on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
23. Each borrower shall give the City a promissory note in respect of each loan, and as security for repayment of the loan made by the City, the borrower shall:
  - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City
  - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage



- (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the Corporate Counsel
- 24. The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
- 25. The Departmental charge shall be 1 ½% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
- 26. Upon the sale of a property that is secured by a collateral mortgage, the loan is due and payable in full to the City.
- 27. All loans become due and payable upon the sale, closing or moving of the borrower's business.

The Corporation of the City of Hamilton

BY-LAW NO. 99-

To Adopt:

**THE KING STREET WEST COMMUNITY IMPROVEMENT PLAN**

**WHEREAS** Section 1 of By-law No. 99-----, passed on the 7th day of September, 1999 designated the area described in Schedule "A" and shown on Schedule "B" thereto as a community improvement project area in accordance with subsection 28(2) of the Planning Act, 1990;

**AND WHEREAS** it is intended to adopt a community improvement plan for the said area in accordance with subsection 28(4) of the said Act.

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. The King Street West Community Improvement Plan hereto annexed as Schedule "A" and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that the approval of the Community Improvement Plan referred to in section 1 shall include approval for the doing of all things for the purpose thereof.
3. This by-law comes into force and effect on the date of its approval by the Minister of Municipal Affairs and Housing.

**PASSED** this 28th day of September A.D. 1999

MUNICIPAL CLERK

MAYOR

**SCHEDULE "A"**  
**To By-law No. 99-**

**THE KING STREET WEST  
COMMUNITY IMPROVEMENT PLAN  
FOR THE KING STREET WEST  
COMMUNITY IMPROVEMENT PROJECT AREA**

**PURPOSE:**

This Community Improvement Plan is intended to apply to the King Street West Community Improvement Project Area as shown in Schedule 'A'.

Rather than being focussed on large-scale redevelopment, this Community Improvement Plan focuses on rehabilitation and the updating of existing facades and interiors of commercial buildings within the King Street West Community Improvement Project Area.

**INTRODUCTION:**

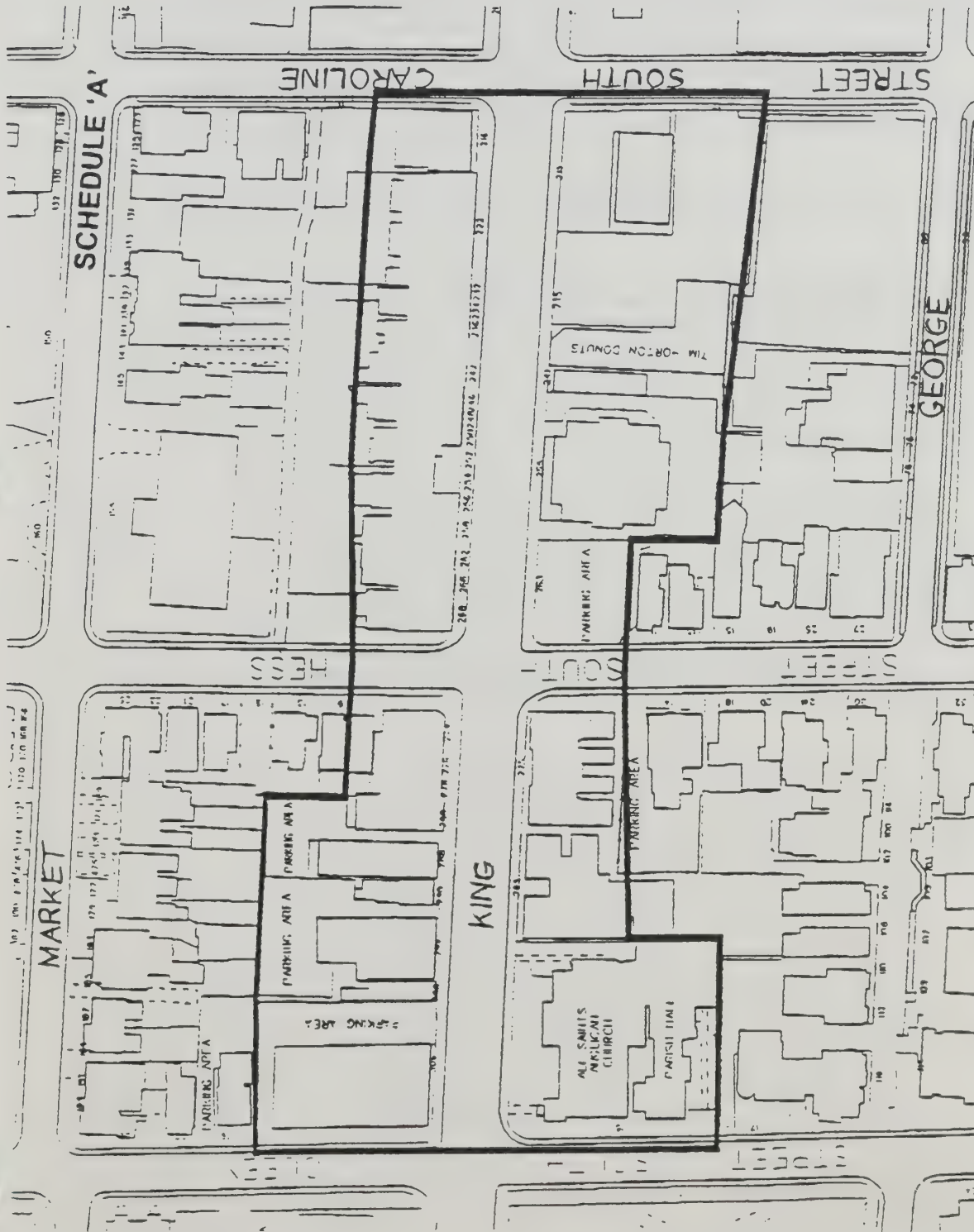
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**KING ST. W. COMMUNITY IMPROVEMENT PROJECT AREA**

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PROPERTY OWNER GUIDELINES**

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- related professional fees (architects, engineers, appraisers, lawyers etc.) and the
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    - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage
    - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the Corporate Counsel
  24. The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
  25. The Departmental charge shall be 1 ½% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
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  27. All loans become due and payable upon the sale, closing or moving of the borrower's business.





# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1999 September 3  
(ENV-MDP)  
(PDC99055)

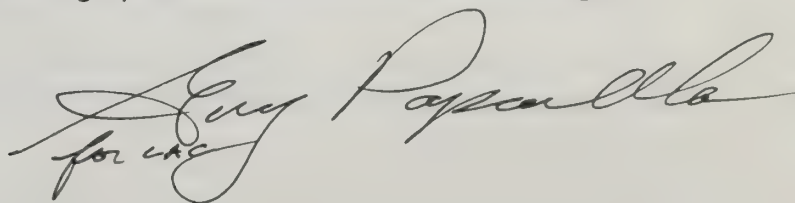
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Ms. Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Master Drainage Plan for the Beach Strip - Results of the Final Report

### RECOMMENDATIONS:

- (a) That the report titled *Master Drainage Plan Hamilton Beach* prepared by the consulting firm of Marshall, Macklin, Monaghan and dated July, 1999 attached as APPENDIX "A" be received;
- (b) That the Community Planning and Development Division prepare a report to further evaluate the specific recommendations for lot grading as identified in the *Master Drainage Plan Hamilton Beach* to the Planning and Development Committee, including advertising for a public meeting (if necessary) with respect to the following matters:
  - (i) the minimum side yard setbacks of 1.7 m for all lots;
  - (ii) the minimum 12m lot frontages for all lots;
  - (iii) the back 15% of lots, for the area identified in APPENDIX "C, remain free and clear of any structures except fences;
  - (iv) the establishment of a 0.5% slope for the swale; and,
  - (v) the placement of the entire lands on the Hamilton Beach under site plan control.
- (c) That the Planning and Development Committee forward the *Master Drainage Plan Hamilton Beach* to the Transport and Environment Committee for consideration of the various engineering options to alleviate street flooding;

  
for LAC

## FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As part of the Terms of Reference for the above noted study, the consultants were requested to make a presentation to the Planning and Development Committee.

## BACKGROUND:

On November 30<sup>th</sup>, 1998, the Parks and Recreation Committee approved the land use disposal strategy for the beach strip. Prior to the disposal of any lands, certain conditions were required to be fulfilled, one of which was:

"that prior to the sale of these lands, the following conditions are satisfied...a Master Drainage Plan Study addressing the flooding problems for both private and public properties on the Hamilton Beach..."

On January 20, 1999, the Planning and Development Committee approved the Terms of Reference for the Master Drainage Plan for the Hamilton Beach Strip. There were two objectives of the Plan:

- a) To develop a comprehensive lot drainage master plan to provide a framework for lot grading for individual lots which is to be functional on an interim and ultimate basis; and,
- b) To recommend a cost effective solution to eliminate/reduce the water on local streets resulting from periodic flooding

The firm of Marshall, Macklin, Monaghan (MMM) was hired to complete the study. With respect to the Master Drainage Plan, the objective relating to lot grading (objective 1) is directly relevant to the matters considered by the Planning and Development Committee.

With respect to objective 2 (street flooding), it would be appropriate for the Transport and Environment Committee to evaluate the various engineering options that are proposed to alleviate street flooding. In this regard, a report will be prepared by the Transportation, Operations and Environment Division – Public Works Department outlining the preferred option and the necessary capital budget requirements.

**Note: the large maps from the report are available for viewing at the office of the Municipal Clerk**

## PUBLIC NOTIFICATION PROCEDURES FOR THE SCHEDULE "B" CLASS EA

For the information of the Committee, the preparation of the Master Drainage Plan was considered as a Schedule "B" Class Environmental Assessment for Municipal Water and Wastewater projects.

As part of the Schedule "B" Class EA, certain procedures are required to be followed with respect to public notification and the public participation process.

The following is a summary of the public participation process:

|                |   |
|----------------|---|
| May 7th 1999   | Project Initiation Notice placed in the <u>Hamilton Spectator</u>   |
| June 11, 1999  | Notice of June 24, 1999 Public meeting placed in the <u>Hamilton Spectator</u>  |
| June 24, 1999  | Public meeting held. Two people in attendance; 2 written submissions received. The people were in favour of Option 2a to relieve street flooding; no comments were made on the lot grading. |
| August 4, 1999 | An advertisement was placed in the <u>Hamilton Spectator</u> indicating Project Completion and comments on the Plan were requested  |

## SUMMARY OF STUDY FINDINGS LOT GRADING

As noted in the background section, the objective of the lot grading component is to ensure that grading changes that occur as a result of new development do not have a negative impact on existing development.

The following is a summary of the recommendations contained in the report:

1. ***the lands on the east side (lake side) of the Beach strip be placed under site plan control.*** On November 29, 1998, City Council passed By-law 98-282, which placed the lands on the west side of the Beach strip under site plan control. The purpose of which was to ensure the grading for all new development was reviewed by the City. In addition, it would allow the City to correct any lot grading problems that may occur where site plan control and lot grading agreements have been registered on the title of the land. Therefore, site plan control assists the City in ensuring that all new lots, city owned or privately held, that are developed or redeveloped will be graded to the City's satisfaction.
2. ***the minimum lot size should be 12 m for individual lots and 11 m lots where two or more lots are being developed simultaneously.*** The majority of the lands on the Beach strip are zoned "C" (Urban Protected residential, etc.) District which requires a minimum lot frontage of 12 m. However, there are a number of lots (owned by the City) that do not meet the required minimum lot frontages, some of which may be lots of record:

|         |  |
|---------|--|
| 7 lots  | between 7.5m and 8.8m (25 to 29 feet)  |
| 11 lots | between 9.0m and 10.6m (30 to 35 feet) |
| 13 lots | between 10.6m and 12m (35 to 40 feet)  |

As result, 31 lots would be impacted by this requirement. However, it should be noted some of these lots will be sold to adjacent land owners and not as separate lots. Staff will be identifying those lots that will sold separately and those that are to be added to adjacent lots.



3. ***the minimum grading slope for the swale is proposed to be 0.5% whereas the City standard is 1.5%.*** A large number of the lots on the beach strip are developed and the land around the homes is very flat. If the City applied its standard slope requirement for the swale of 1.5%, there would likely be negative impacts on the adjacent uses. For example, if the lot was 30 m (100 ft in depth) then the backyard would have to be raised 1.5 feet to achieve a grade of 1.5%. This slope would also require the construction of retaining walls. The construction of retaining walls has the potential of creating a larger grading problem. Therefore, it is more practical to reduce the grade of the land to 0.5%.
4. ***the side yards for future development and redevelopment would be required to have a minimum of 1.7 m.*** This additional side yard requirement represents an increase of 0.5m from the standard 1.2m side yard in the "C" District, and between 0.5m and 1.7m in the "H" (Community Shopping and Commercial, etc.) and "G" (Neighbourhood Shopping Centre, etc.) Districts. In most cases, the "H" and "G" Districts along the Beach strip will require a 1.2 m side yard because those districts adjoin a "C" District, where 1.2m side yards are required.

The purpose of the increased side yards is to allow for adequate drainage swales on each side of the buildings given the slope of the lots will be only 0.5% as opposed to the City standard of 1.5%. It should be noted that when typical rainfalls occur, the sandy soil allows the rain to absorb relatively quickly; however, in cases where there are severe storms the rain will not be able to percolate into the soil quickly because the volume of water. Therefore, the swales are necessary to convey the water to the streets as opposed to the adjacent properties.

5. ***The building envelope can only expand to 85% of the lot depth.*** This requirement would be applicable to only a portion of the beach strip. These lands are identified on APPENDIX "B". In these cases, there appears to be overland flow that results in water draining across the backs of these properties. In this regard, the last 15% of the lot should remain free from structures (excluding fences) to allow the water to flow freely over the lands. In this regard, the Zoning By-law would have to be modified to implement this recommendation.

## REVIEW BY THE PUBLIC

In accordance with the Schedule "B" Class EA, an advertisement was placed in the Hamilton Spectator on August 4 indicating the report was completed and the public had a chance to review. No comments were received from the public.

## FUTURE ACTIONS

To implement the Plan, a further in depth evaluation will be required:

1. to determine if the recommendations from the consultant are appropriate; and,

2. if they are appropriate, to determine the mechanisms the City has too implement the recommendations.

**It should be noted the implementation of the Master Drainage Plan recommendations in no way holds up the sale of the city owned lands. Conditions can be put into the agreement of purchase and sale of these lands as an interim measure.**

#### **CONCLUSION:**

Based on the foregoing, it is recommended the Planning and Development Committee receive the report and direct staff to prepare a report evaluating its recommendations.

JHE/

# **MASTER DRAINAGE PLAN**

## **HAMILTON BEACH**

Prepared for

**CITY OF HAMILTON**

July 1999



**Marshall  
Macklin  
Monaghan**

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## **1 INTRODUCTION**

### **1.1 Site Location and Description**

The Hamilton Beach neighbourhood is located on part of the narrow 6.5 km strip of land that forms a natural bridge between the two sides of Hamilton Harbour (Figure 1.1). The strip of land also acts as a barrier between the Harbour and Lake Ontario except for the Burlington canal that marks the division between the City of Hamilton and the City of Burlington.

#### **1.1.1 Brief History of the Hamilton Beach Neighbourhood**

Historically the Hamilton Beach neighbourhood was developed as a shipping and summer resort destination. By the early 1900s the popularity of the beach as a summer resort declined. The Beach continued to grow as a community with the construction of permanent residences rising. As the number of permanent residences increased the property damage due to flooding increased as well.

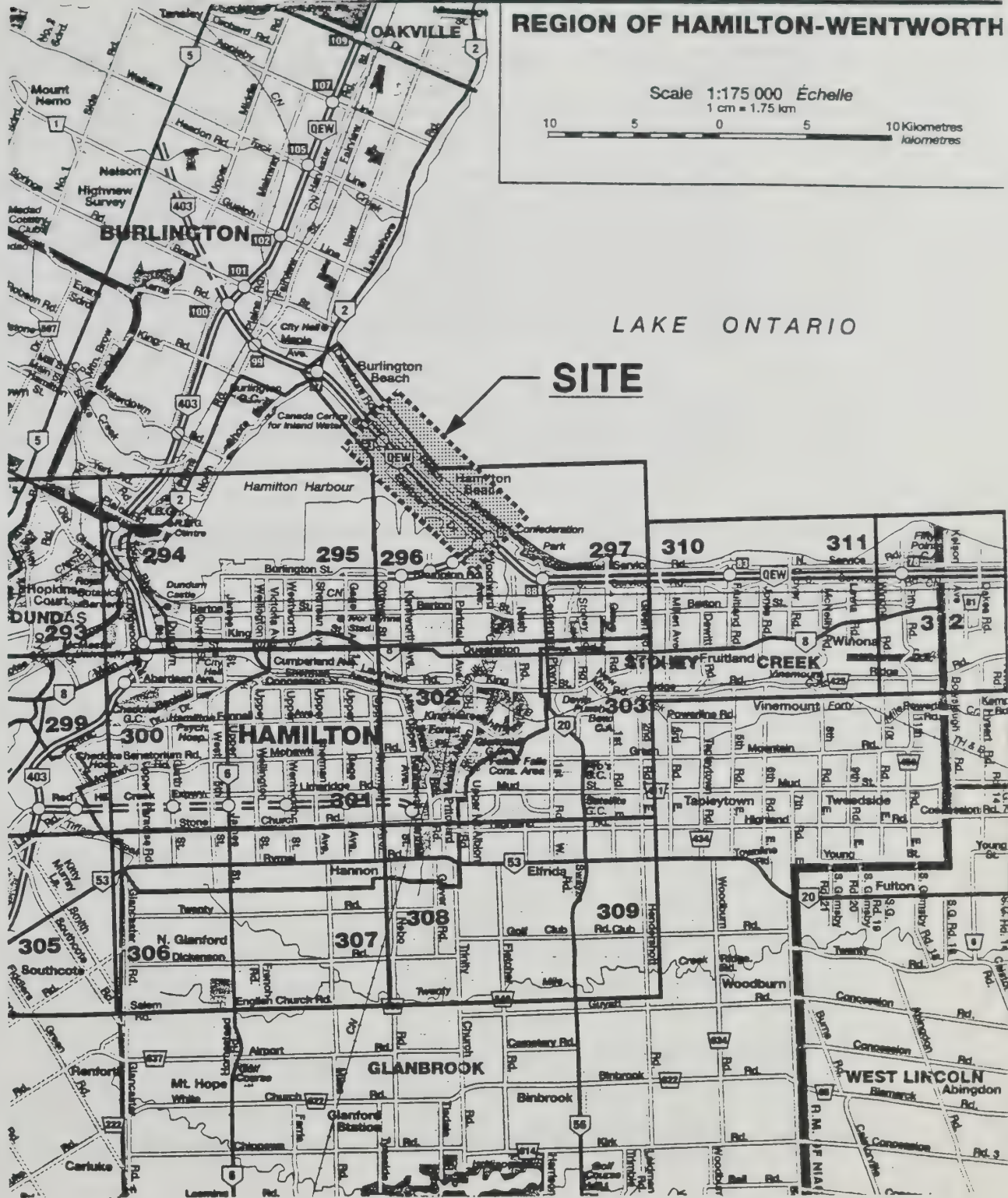
In 1933 the Queen Elizabeth Way was constructed across the Hamilton Beach neighbourhood; a swing bridge crossed the canal. In 1954 construction began on the Burlington Bay Skyway Bridge. This construction was initiated since the original bridge crossing the canal had been damaged beyond repair and the volume of traffic crossing the Beach Neighbourhood was becoming intolerable to the Beach Neighbourhood. The Skyway Bridge was finally opened to traffic in November 1958.

In the early 1970s flooding had reached a critical point. The City of Hamilton received provincial and federal support to purchase property from anyone who wanted to sell on the Hamilton Beach neighbourhood. Numerous properties were purchased and the houses demolished. The intent was that the neighbourhood would be turned into parkland within 20 years. By the late 1970s the Hamilton Beach Preservation Committee was formed. Their aim was to improve communications between the residents of the Hamilton Beach neighbourhood and the City of Hamilton and the Region of Hamilton-Wentworth.

In 1981 the decision was made to twin the existing Skyway Bridge to handle the ever-increasing traffic flow. As part of the twinning, the QEW was also widened to accommodate the increased traffic. The widening required additional land within the Beach Neighbourhood area, which was acquired by the Ministry of Transportation. By 1988 the twinned bridge was renamed the Burlington Bay-James N. Allen Skyway Bridge and was opened to traffic.

In 1987, the City approved the Hamilton Beach Concept Plan, which was based on the concept of a low-density neighbourhood. In 1992, the Hamilton Beach Neighbourhood Plan was completed and approved. This plan provided details on the location and extent of particular land uses. By-law number 98-281 was passed on November 10, 1998, which put restrictions on future development on the west (bay) side of Beach Boulevard. In 1999, the City was in a position to sell the lots they received.





SOURCE:  
MAPART CORPORATION, "GOLDEN  
HORSESHOE", MAP 291, 1996 EDITION.

CLIENT

CITY OF HAMILTON

TITLE

SITE LOCATION PLAN



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Drawn

B.K.B.

Date

JULY 1999

Proj. No.

1499015-01-101

Scale

AS SHOWN

Figure No.

1.1

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## **1.2 Objectives of Master Drainage Plan**

To ensure that the proposed re-development of the Hamilton Beach Neighbourhood proceeds in a manner such that impacts to existing development are mitigated and existing flooding/drainage is improved, the City of Hamilton requires the preparation of a Master Drainage Plan for the area. The Master Drainage Plan will address the unique hydrological characteristics of the development lots west of Beach Boulevard. The main issues that the City of Hamilton requires to be addressed by the Master Drainage Plan are:

- Street flooding – under existing conditions the streets flood periodically, especially in the spring. During these periods of flooding, City staff are required to be on-site to pump the ponding areas to ensure existing development is not impacted and access and egress is possible.
- Individual lot grading – re-development of lots must meet the minimum ground floor elevation of 76.0 m and must not impact existing development due to changes in grade and drainage patterns.

## **1.3 Background Information**

The City of Hamilton provided the following background information:

- Topographic information in digital format (includes storm sewer, property boundaries and topographic contours at a 0.5 m interval)
- Existing plan profiles of the local roads, including Beach Boulevard
- *Hamilton Beach Flood Study* (Dillon, 1987)
- Zoning By-law No. 98-281
- Queen Elizabeth Way widening construction drawings (MTO, CONT No. 86-74)
- Proposal for a *Beach Boulevard Storm Pumping Station*, memo from the Roads Division, City of Hamilton
- *Subsurface Conditions Proposed Eastport Watermain at Beach Boulevard and Eastport Arterial Road, City of Hamilton* (Morton and Partners Limited, 1986)
- Construction Drawings for Eastport Industrial Park Sheets 6A and 7A (Regional Municipality of Hamilton, 1985)
- Construction Drawings for Windermere Basin Rehabilitation, Sheets 9 and 10 (Regional Municipality of Hamilton, 1988)

The information was reviewed and used to complete the tasks of this project. In addition to the above a site visit was conducted on April 6, 1999 to determine flow directions and destinations.

## **1.4 Approach**

### **1.4.1 Hydrologic Model Development**

The OTTSWMM hydrologic model was used to simulate the hydrologic characteristics of the site. OTTSWMM has been used throughout Canada for many years to estimate runoff from all types of land use. The existing and future land uses were taken from the approved land use plan for the Hamilton Beach Neighbourhood (City of Hamilton, 1992).

For the existing development scenario, it was assumed that all lots were developed, except those that are designated for public sale. The properties designated for public sale were identified from the Property Ownership Plans, Part A, B and C (City of Hamilton, 1997).

For the future development scenario, it was assumed that all lots were developed as indicated by the Hamilton Beach Neighbourhood land use plan.

Topographic mapping was obtained from the Region of Hamilton-Wentworth. The available mapping included property boundaries, storm sewer location and size and topographic contours at an interval of 0.5 m. This mapping was used to delineate sub-basin boundaries.

### **1.4.2 Hydraulic Model Development**

The EXTRAN hydraulic model was used to simulate the hydraulic characteristics of the various storm sewers in the study area. EXTRAN has been used extensively throughout Canada to simulate the response of the storm sewer system to an inflow hydrograph.

A majority of the storm sewer information within the Hamilton Beach Neighbourhood, such as pipe inverts and sizes was obtained from the design drawings for the Sanitary Sewer and Forcemain (Regional Municipality of Hamilton-Wentworth, 1992 and 1994).

In addition, the Ministry of Transportation supplied design drawings for the widening of the Queen Elizabeth Way (CONT No. 86-74, WP No. 83-74-05). The design drawings indicated the location of new catchbasins and storm sewers along the length of the Hamilton Beach Neighbourhood as well as any existing catchbasins and storm sewers.

A site visit on April 6, 1999 provided additional information with regards to the location and number of catchbasins and storm sewer outlets along the length of the QEW berm. During the site visit several short duration, high intensity storms moved through the area. This provided an opportunity to observe some of the flooding problems in the previously identified problem areas.

### **1.4.3 Development of Stormwater Management Alternatives**

Stormwater management alternatives have been proposed in order to:

- Provide long term alternatives to eliminate/reduce the water on local streets; and

- Mitigate the effects of runoff from new developments on the adjacent properties and the street system.

Each alternative has been investigated to ensure that it is feasible and meets the objectives of the study.



## **2 DRAINAGE CHARACTERISTICS**

### **2.1 Water Level Controls on Lake Ontario**

Because of the proximity of the study area to Lake Ontario, the water levels in the lake can have an adverse impact on the drainage system for the Hamilton Beach neighborhood. It has been noted by Works staff that once lake levels approach or exceed 75.2 m in elevation, prolonged flooding of streets and properties occur during rainfall and snowmelt events. The occurrence of flooding could be the result of reduced infiltration capacity and/or surcharging of the storm sewers.

In 1958 the International Joint Commission (IJC) issued an Order of Approval (Plan 1958) to regulate the water levels and outflows in Lake Ontario. Regulation of water levels began in 1960. The Order of Approval established a 1.2-m range (from 74.16 m to 75.38 m) for water levels to fluctuate on Lake Ontario. Since 1960 greater than expected quantities of water have passed through Lake Ontario than that provided for in the plan. Therefore, Plan 1958 has been amended to allow for deviations to allow for extreme flow conditions upstream and downstream of the Lake (Plan 1958-D).

There has been a suggestion to revise and update Plan 1958-D in order to account for the greater volumes of water realized in the last 40 years and minimize the current fluctuations in water levels. Implementation of an updated plan has been postponed until further evidence is obtained concerning the environmental impacts of any change in lake level regulation.

Figure 2.1 is a graph of the average monthly lake levels before regulation and after regulation. As can be seen, lake levels regularly exceed an elevation of 75.2 m during May and June. Therefore, recommendations to reduce flooding resulting from the present study are based on the target summer water level of 75.4 m.

### **2.2 Effect of Queen Elizabeth Way**

The general slope of the beach strip is from the east to the west. The construction of the QEW and subsequent bridge construction and widening creates a restriction of the natural overland flow route from the beach strip to Hamilton Harbour.

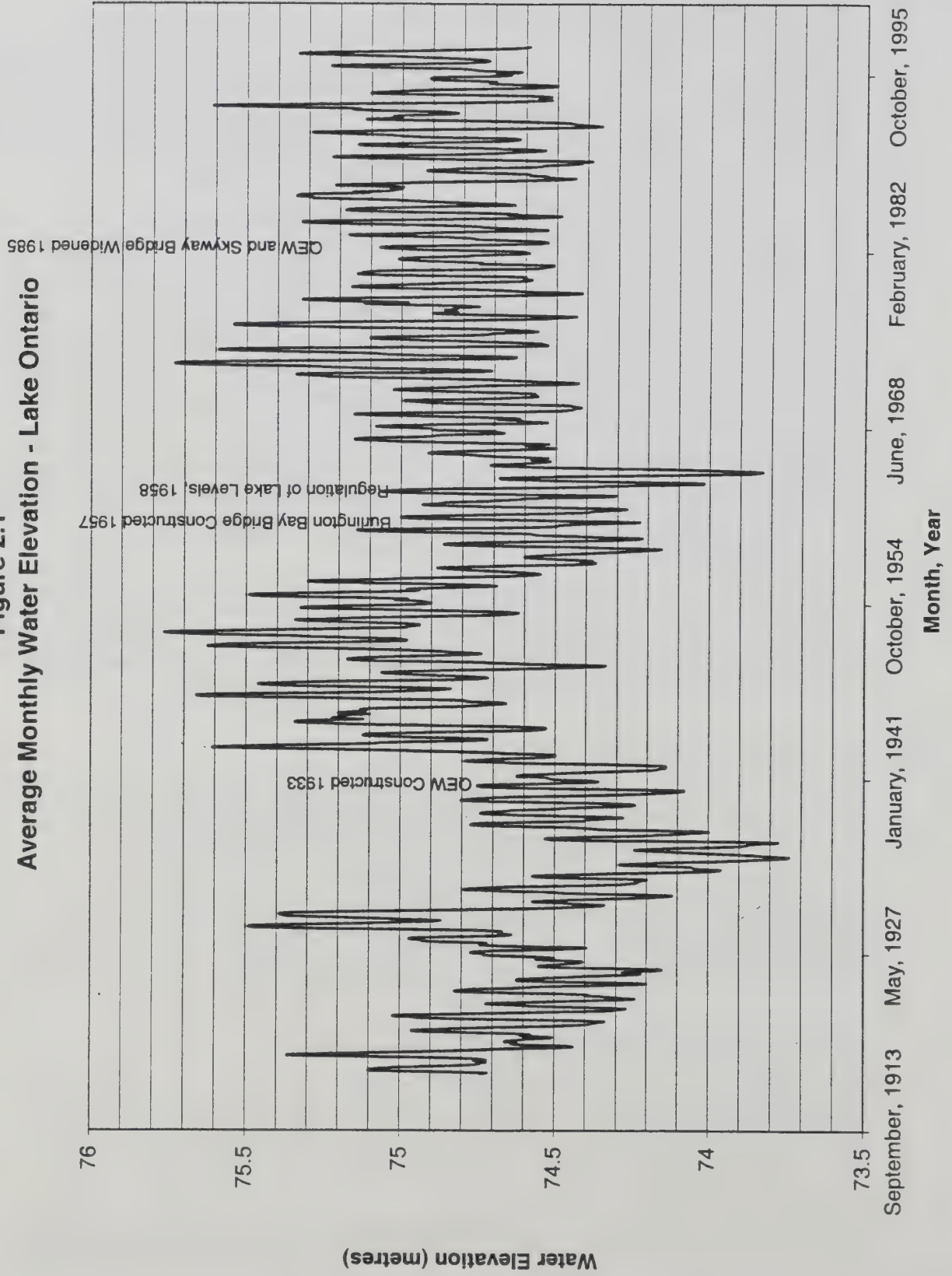
The road elevation of the QEW tends to be higher than the low points in the beach neighbourhood. Ditch inlet catchbasins and culverts have been placed at the ends of roads and other low points to convey overland flow from the beach neighbourhood under the noise berm and into a storm sewer system crossing the QEW.

### **2.3 Storm Sewer Drainage of Hamilton Beach Strip**

There are eight storm sewer systems, which service the Hamilton Beach Neighbourhood and convey stormwater across the QEW. The storm sewers outlet either to the Harbour or to a ditch between the QEW and Eastport Drive. The storm sewer inverts are generally below lake levels under normal conditions.

Catchbasins along Beach Boulevard collect runoff from the main street. Overland flow not collected by the catchbasins generally flows along the curb until a minor

**Figure 2.1**  
**Average Monthly Water Elevation - Lake Ontario**



road running perpendicular to Beach Boulevard is met. Stormwater then flows towards the QEW. In general there are no catchbasins at the end of these minor roads. In some cases a ditch inlet catchbasin is located in the QEW right-of-way, which outlets to a storm sewer that crosses the highway. In most cases a 300-mm CSP (corrugated steel pipe) conveys overland flows from the street ends to a storm sewer that crosses the highway. For overland flow to reach the QEW right-of-way the water must flow through channeled ditches at the ends of the streets. In general, earthen or wooden berms have been built up at the ends of the streets directly behind the guard rail fence. Overland flow must build up to flow through these channels to reach the ditch inlet catchbasin or culvert.

In some instances there is no overland flow route for stormwater. It is suspected that water will accumulate in low areas and infiltrate into the sandy soils of the beach strip. During high lake levels the capacity of the soils for infiltration will be reduced and a lengthier flooding occurrence would be expected.

## **2.4 Recurrent Flooding**

Nearly every year pumping of stormwater is required to address property owners concerns regarding safety and property damage. Flooding is particularly chronic at Windemere Avenue, Knapmans Drive, Wickham Avenue, Grafton Avenue, Comet Avenue, Granville Avenue, Clare Avenue, Lagoon Avenue and Arden Avenue. This area is lower in elevation than other areas along the beach strip. Flooding has been noted to occur more frequently and severely when Lake Ontario levels are greater than 75.2 m in elevation.



### 3 HYDROTECHNICAL MODELING

#### 3.1 Hydrologic Modeling

As previously discussed the OTTSWMM hydrologic model was used to simulate the response of the Hamilton Beach Neighbourhood to rainfall for existing and future development scenarios.

##### 3.1.1 Land Use

A majority of the site is residential development. There are pockets of low density attached housing, apartments, commercial and industrial land uses. Figures 3.1 and 3.2 illustrate the existing land uses and their location.

Table 3.1 provides an estimate of the percent land use in the Hamilton Beach Neighbourhood for existing and future development scenarios. For hydrologic modeling purposes a percent imperviousness was assumed for each type of land use. Table 3.1 also provides a tabulation of the imperviousness assumed for each land use type.

**TABLE 3.1**  
**Percent Land Use Existing and Future Development**

| Land Use Description      | Percent of Hamilton Beach |        | Percent Imperviousness |
|---------------------------|---------------------------|--------|------------------------|
|                           | Existing                  | Future |                        |
| Grassed Buffer            | 13.4                      | 13.4   | 0                      |
| Road right-of-way         | 12.4                      | 12.4   | 85                     |
| Attached Housing          | 3.3                       | 5.3    | 60                     |
| Commercial                | 4.3                       | 5.4    | 75                     |
| Park                      | 3.7                       | 4.1    | 0                      |
| Civic-Institutional       | 3.3                       | 3.7    | 90                     |
| Low Density Apartment     | 1.0                       | 1.3    | 65                     |
| Single Family Residential | 46.3                      | 53.3   | 35                     |
| Undeveloped               | 12.2                      | 0.0    | 0                      |
| Parking Lot               | 0.0                       | 1.0    | 90                     |

##### 3.1.2 Sub-basin Delineation

The Beach Neighborhood was delineated into sub-basins. This delineation was based on topographic features, storm sewer and catchbasin locations. Figures 3.1 and 3.2 illustrate the sub-basin numbers and boundaries.

# **MASTER DRAINAGE PLAN**

## **HAMILTON BEACH**

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TABLE 3.2 Sub-basin Parameters

| Sub-basin # | Area (ha) | Length of Street Seg. (m) | # of Inlets to Storm Sewer | Inlet Type | Width of Sub-basin (m) | Percent Impervious |        |
|-------------|-----------|---------------------------|----------------------------|------------|------------------------|--------------------|--------|
|             |           |                           |                            |            |                        | Existing           | Future |
| 100         | 1.80      | 200                       | 5                          | A          | 45                     | 49.9               | 59.6   |
| 200         | 4.57      | 480                       | 14                         | A          | 60                     | 38.7               | 39.8   |
| 210         | 1.29      | 60                        | 0                          | -          | 60                     | 29.0               | 29.0   |
| 310         | 2.81      | 320                       | 9                          | A          | 60                     | 34.4               | 36.0   |
| 311         | 3.27      | 90                        | 0                          | -          | 90                     | 21.6               | 30.2   |
| 320         | 1.54      | 180                       | 8                          | A          | 60                     | 34.1               | 35.2   |
| 321         | 0.49      | 100                       | 1                          | C          | 30                     | 33.9               | 41.4   |
| 322         | 0.86      | 100                       | 1                          | C          | 95                     | 18.7               | 35.0   |
| 323         | 0.72      | 100                       | 1                          | C          | 40                     | 36.7               | 39.3   |
| 330         | 0.45      | 100                       | 1                          | C          | 45                     | 45.0               | 45.0   |
| 410         | 0.60      | 60                        | 2                          | A          | 75                     | 29.3               | 29.3   |
| 411         | 1.16      | 120                       | 1                          | C          | 90                     | 25.8               | 37.2   |
| 420         | 0.86      | 80                        | 2                          | A          | 65                     | 41.7               | 41.7   |
| 421         | 0.62      | 120                       | 1                          | C          | 25                     | 36.1               | 39.7   |
| 430         | 0.65      | 85                        | 5                          | A          | 65                     | 46.4               | 46.4   |
| 431         | 0.92      | 120                       | 1                          | C          | 65                     | 35.6               | 40.1   |
| 432         | 0.86      | 120                       | 1                          | C          | 65                     | 35.7               | 40.1   |
| 440         | 0.70      | 65                        | 2                          | A          | 85                     | 40.5               | 40.5   |
| 450         | 1.40      | 140                       | 4                          | A          | 80                     | 37.4               | 37.4   |
| 451         | 0.91      | 150                       | 1                          | C          | 40                     | 37.3               | 41.5   |
| 460         | 0.82      | 70                        | 4                          | A          | 85                     | 31.4               | 35.8   |
| 461         | 1.33      | 150                       | 1                          | C          | 70                     | 30.0               | 33.1   |
| 462         | 1.64      | 150                       | 1                          | B          | 80                     | 34.1               | 39.1   |
| 470         | 1.08      | 150                       | 1                          | C          | 55                     | 34.9               | 40.6   |
| 510         | 2.08      | 140                       | 1                          | C          | 120                    | 22.5               | 26.9   |
| 520         | 0.77      | 165                       | 4                          | A          | 20                     | 35.3               | 43.2   |
| 530         | 0.55      | 35                        | 2                          | A          | 50                     | 34.6               | 38.7   |
| 540         | 0.91      | 80                        | 3                          | A          | 85                     | 38.5               | 38.5   |
| 550         | 0.99      | 70                        | 2                          | A          | 85                     | 16.9               | 17.0   |
| 600         | 1.58      | 170                       | 4                          | A          | 85                     | 67.6               | 69.7   |
| 610         | 2.35      | 100                       | 0                          | -          | 85                     | 33.6               | 50.5   |
| 700         | 1.46      | 135                       | 1                          | A          | 80                     | 61.7               | 63.5   |
| 710         | 1.75      | 100                       | 0                          | -          | 120                    | 35.7               | 54.2   |
| 800         | 1.88      | 180                       | 9                          | A          | 80                     | 28.4               | 29.6   |
| 810         | 1.93      | 100                       | 1                          | A          | 100                    | 42.5               | 53.6   |
| 820         | 0.40      | 80                        | 1                          | B          | 35                     | 44.6               | 44.6   |
| 830         | 3.21      | 280                       | 11                         | A          | 85                     | 50.0               | 51.7   |
| 840         | 1.77      | 90                        | 1                          | C          | 85                     | 36.9               | 63.2   |
| 900         | 1.36      | 75                        | 2                          | A          | 75                     | 31.8               | 36.9   |
| 1000        | 3.90      | 375                       | 6                          | A          | 80                     | 36.2               | 37.4   |
| 1020        | 2.29      | 250                       | 3                          | A          | 70                     | 38.2               | 40.9   |
| 1100        | 3.12      | 75                        | 1                          | C          | 60                     | 19.5               | 40.0   |
| 1120        | 0.88      | 80                        | 1                          | C          | 90                     | 32.9               | 35.0   |



Table 3.2 provides a tabulation of the sub-basin parameters input into the hydrologic and hydraulic models. The inlet types presented in Table 3.2 have been arbitrarily assigned a letter, A, B or C. Inlet Type A includes the standard road catchbasins. The catchbasin covers may vary within a street segment between a grid or herringbone pattern. Inlet Type B includes the ditch-inlet catchbasins at the end of the side streets that end at the Queen Elizabeth Way noise berm. Inlet Type C includes the 300-mm diameter corrugated steel pipes at the end of the side streets that end at the Queen Elizabeth Way noise berm.

### 3.1.3 Rainfall Characteristics

Rainfall Data from the Hamilton Royal Botanical Garden was used to generate the design rainfall events for the simulations. A six-hour Chicago storm with a ten-minute time step was selected for the simulations. This storm was considered suitable since it provides a balance between rainfall volume and peak intensity. Table 3.3 provides a summary of the rainfall parameters.

**TABLE 3.3**  
**Rainfall Characteristics – 6 Hour Chicago Distribution**  
**Hamilton RBG Rainfall Gauge**

| Return Period<br>Storm | Rainfall Depth<br>(mm) | Peak Rainfall<br>Intensity<br>(mm/hr) |
|------------------------|------------------------|---------------------------------------|
| 2-year                 | 35.2                   | 69.7                                  |
| 5-year                 | 48.7                   | 90.4                                  |
| 10-year                | 57.7                   | 103.3                                 |
| 25-year                | 69.1                   | 120.8                                 |
| 50-year                | 77.5                   | 132.8                                 |
| 100-year               | 85.9                   | 145.1                                 |

### 3.1.4 Soil Infiltration Characteristics

A geotechnical investigation of the site was completed as part of the proposal for the installation of the Eastport watermain. All boreholes indicated that the soils are dark brown sands with pockets of gravel mixed in. The boreholes were drilled to a depth of at least three metres.

The OTTSWMM hydrologic model uses the Horton equation to determine how much of the rainfall will infiltrate into the soil. Three parameters are required to apply this equation, the minimum infiltration rate (mm/hr), the maximum infiltration rate (mm/hr) and the decay parameter ( $\text{sec}^{-1}$ ). For sandy soils the minimum infiltration rate was estimated to be 25 mm/hr; the maximum infiltration rate was estimated to be 125 mm/hr and the decay rate was estimated to be  $0.00056 \text{ sec}^{-1}$ .

OTTSWMM does not directly have the capability of simulating situations where the water table elevation varies.

### **3.2 Hydraulic Modeling**

As previously discussed the EXTRAN hydraulic model was used to simulate the response of the Hamilton Beach storm sewer systems to the volume of runoff from the site for existing and future development scenarios. Data for the location, size and inverts for the storm sewers was obtained from the topographic mapping provided by the Region of Hamilton-Wentworth and the construction drawings for the sanitary sewer and forcemain for the Hamilton Beach Neighbourhood. Additional information was obtained from the MTO construction drawings for the widening of the QEW.

There are eight main storm sewer systems that collect runoff from Beach Boulevard and lands east of Beach Boulevard (lake side). A small portion of lands west of Beach Boulevard (bay side) also drain to the storm sewer systems. These system outlets are designated with the numbers 10, 20, 34, 49, 53, 85, 90 and 111 (Figures 3.1 and 3.2).

Lands west of Beach Boulevard generally drain to a ditch inlet catchbasin (DICB) or a 300-mm diameter CSP culvert, which convey the overland flow to Hamilton Harbour via a storm sewer under the QEW.

The drainage area to each of the storm sewer outlets and its characteristics has been tabulated in Table 3.4. Details regarding the number of catchbasins and their characteristics are provided in Table 3.2 for each of the sub-basins.

**TABLE 3.4**  
**Storm Sewer Outlet Characteristics**

| Storm Sewer Outlet | Drainage Area (ha) | Storm Sewer Diameter (mm) | Estimated Storm Sewer Invert (m) |
|--------------------|--------------------|---------------------------|----------------------------------|
| 10                 | 1.80               | 600                       | 75.04                            |
| 20                 | 4.57               | 600                       | 75.02                            |
| 34                 | 4.80               | 600                       | 74.55                            |
| 49                 | 6.11               | 600                       | 74.36                            |
| 53                 | 3.23               | 525                       | 74.37                            |
| 85                 | 5.08               | 600                       | 74.63                            |
| 90                 | 1.36               | 300                       | 74.79                            |
| 111                | 9.32               | 600                       | 73.95                            |

For simulation purposes the EXTRAN model was run for two different water elevations at the outlet. The 'low' water level was set at 74.6 m, which is an average of the two target extremes (see Section 2.1). The 'high' water level was set at an elevation of 75.4 m, which is the maximum target for the summer. Historically, the 'high' water level has been exceeded on occasion, nevertheless it provides a target to base future recommendations. Hamilton Harbour water levels greater than 75.6 m

will cause flooding of the Hamilton Beach roads along the QEW noise berm from water backing up through the storm sewer systems.

The estimated storm sewer inverts are located just upstream of the QEW noise berm. As is evident from the values provided in the table, it is expected that the storm sewer systems will operate under surcharged or partially surcharged conditions for much of the year.



## **4 MODELING RESULTS**

### **4.1 Existing Development – Existing Storm Sewer System**

The existing development model was simulated for two different lake levels. A 'low' lake level of 74.6 m was used as representative of an average lake level. A 'high' water level of 75.4 m was used as representative of an average high summer water level.

The storm sewer along Beach Boulevard and at the side streets will remain unsubmerged with a lake level of 74.6 m. However, the outlets of the storm sewers to Hamilton Harbour will be submerged. The simulations indicate that the storm sewers have the capacity to convey the stormwater runoff from the area without surcharging to the street. The corrugated steel pipes and the ditch inlet catchbasins along the QEW noise berm do not have the capacity to convey stormwater from the existing development without ponding on the streets and yards. This occurs specifically at the base of Windemere, Knapmans, Wickham, Grafton, Comet, Granville, Clare and Arden. The simulations indicate that some level of ponding (flooding) will occur as frequently as a 1 in 2-year storm.

With a high lake level of 75.4 m many of the storm sewers along the side streets will be submerged as well as the outlets to Hamilton Harbour. Although the storm sewers are submerged the simulations indicate that most will have the capacity to convey stormwater flows without surcharging onto the streets. As with the low lake level simulations, prolonged ponding (flooding) will occur at the base of Windemere, Knapmans, Wickham, Grafton, Comet, Granville, Clare and Arden. The flooding of the streets and yards will occur more frequently since runoff must pond to a higher depth due to the higher lake levels. Flooding events will also be longer in duration.

In general, areas of ponding may have an adverse affect on highway embankment, especially if the ponding level reaches the subgrade (assume one-metre below top of road). In the area of the prolonged ponding an earthen 'noise' berm has been constructed between the Hamilton Beach Neighbourhood and the Queen Elizabeth Way. Therefore, the ponding is not against the highway embankment and will not impact the subgrade material.

### **4.2 Future Development – Existing Storm Sewer System**

The same scenarios as above were simulated with the future redevelopment of vacant lots. This redevelopment will increase the volume of runoff due to the higher imperviousness of the area. The simulations indicated that the storm sewer would have the capacity to convey stormwater runoff from the site for lake levels as high as 75.4 m.

Similar results as above were noted from the simulations in regards to the frequency of flooding at the base of Windemere, Knapmans, Wickham, Grafton, Comet, Granville, Clare and Arden. Due to the increased volume of runoff the duration of flooding events would be increased.

#### **4.3 Options to Alleviate Flooding**

Redevelopment of Hamilton Beach neighbourhood will increase the duration of flooding events at the base of Windemere, Knapmans, Wickham, Grafton, Comet, Granville, Clare and Arden. Therefore, several options were considered in order to alleviate the flooding in this area.

Based on a preliminary analysis it appears that the flooding is not necessarily the result of water backing up the storm sewer from Hamilton Harbour. Flooding occurs more frequently when lake levels are high partly because stormwater must pond to a higher elevation to pass through the submerged storm sewers. In some cases existing culverts under the QEW noise berm are set higher than the end of the street, therefore water must pond before it has an outlet no matter what the outlet conditions are.

The OTTSWMM and EXTRAN models (future proposed development conditions) were modified for each of the options to determine what affect each of the options would have on the existing street flooding. For all the options a lake level of 75.4 m was used. For illustration purposes the simulated 1 in 10 year flood level has been sketched on a plan in the area of concern.

**Option 1 (Continue Current Practices):** This option includes non-construction means to improve drainage to the outlets under the QEW berm. It is recommended to remove any earthen or wooden berms at the street ends, which obstruct the flow of water to the QEW ditch and to ensure outlets are free of sediment, vegetation and garbage. Figure 4.1 illustrates the simulated 1 in 10 year storm flood level (lake level 75.4 m) for the existing storm sewer and future proposed development.

**Option 2 (Gravity Drainage Improvements):** Convey stormwater by gravity to a new outlet under the QEW. Provide ditch inlet catchbasins at the end of Wickham, Grafton, Comet, Granville, Clare and Arden and collect stormwater in a pipe running parallel to the QEW noise berm. A new outlet pipe at the end of Granville Avenue will convey stormwater across the QEW to the ditch between Eastport Drive and the QEW. The pipe will be large enough to ensure peak flows will be conveyed under low head conditions during high lake levels.

Figure 4.2 illustrates the simulated 1 in 10 year storm flood level (lake level 75.4 m) for Option 2. The simulations indicate that there would be some flooding at the ends of the streets. The simulations indicate that water levels in the ditch between the QEW and Eastport Drive will not increase in elevation due to the increased flows from the Hamilton Beach Neighbourhood. This may be explained due to the fact that the system operates passively with the difference in water surface elevations between Lake Ontario, the ditch and the Hamilton Beach Neighbourhood driving the flows. The ditch has a very large capacity available to store water relative to the volume of water from the Hamilton Beach Neighbourhood. Therefore, the increase in flow to the ditch should not result in an increased depth of water.

**Option 2a (Gravity Drainage Improvements with Larger Storm Sewers):** Similar to Option 2 but storm sewer sizes were increased to the next larger pipe diameter. Simulations indicate that the larger storm sewers would pass the 1 in 10 year storm without surcharging to the street surface.



Figure 4.2a illustrates the simulated 1 in 10 year storm flood level (lake level 75.4 m) for Option 2a. The simulations indicate that there would be no flooding at the ends of the streets. As discussed in Option 2, the simulations indicate that water levels in the ditch between the QEW and Eastport Drive will not increase in elevation due to the increased flows from the Hamilton Beach Neighbourhood.

**Option 3 (Pumping to Existing Sewer):** Convey stormwater to an outlet by pumping to an existing storm sewer. Provide catchbasins at the end of Windemere, Knapmans, Wickham, Grafton, Comet, Granville, Clare and Arden and collect stormwater in a pipe running parallel to the QEW noise berm. A lift station at Knapmans Drive would pump stormwater to an existing storm sewer that runs between Eastport Drive and the QEW. Different pump rates were reviewed to determine the impact pumping will have on the downstream storm sewer. This option may include a new pipe under the QEW.

Figure 4.3 illustrates the simulated 1 in 10 year storm flood level (lake level 75.4 m) for Option 3. Since the existing sewer has a limited capacity to accept additional flows the pump rate is also limited. Even though the simulated flood levels are similar to that under current conditions the duration of flooding would be shorter.

**Option 4 (Pumping to Existing Ditch):** Convey stormwater to an outlet by pumping to an existing ditch between Eastport Drive and the QEW. Similar to Option 3 except the lift station will be located at the end of Granville Avenue and water will be pumped to the existing ditch. Different pump rates were reviewed to determine the impact pumping will have on the downstream ditch. This option includes a new forcemain under the QEW.

Figure 4.4 illustrates that there would be no flooding of the area during a 1 in 10-year storm (lake level 75.4 m) for Option 4. In fact the simulations indicate that a maximum pump rate of 0.6 m<sup>3</sup>/s would reduce flooding during a 1 in 100-year storm and a lake level of 75.4 m.

**Option 5 (Lower Tailwater by Pumping Existing Ditch):** Water levels in the ditch located between the QEW and Eastport Drive would be kept low by installing a pump lift station at the downstream end of the ditch (opposite Kirk Road). By lowering the water level in the ditch, storm sewer outlets from the Hamilton Beach Neighbourhood would not be submerged.

Figure 4.5 illustrates the simulated 1 in 10 year storm flood level (lake level 75.4 m) for Option 5. The simulations indicate that a portion of the area would benefit from pumping water from the ditch (specifically Knapman's and Wickham), however, flood levels would not change for the rest of the area. The duration of flooding would be reduced compared to current practices.

#### 4.3.1 Evaluation of Options

All the options were then evaluated technically and economically. The following sections describe how this evaluation was carried out and provide a summary of the evaluation.



#### 4.3.1.1 Technical Evaluation

The technical evaluation was based on the level of protection that would be provided by each proposed option and its ability to meet the goal of the study.

*“[Provide] long term alternatives to eliminate/reduce the water on local streets.”*

For the computer simulations a starting lake level of 75.4 m was assumed for the analysis. The computer models simulated a range of design rainstorms (2-year, 5-year, 10-year, 25-year, 50-year and 100-year). Since lake levels will vary from year to year, month to month and day to day, it is necessary to determine the probability of a design storm (2-year to the 100-year) occurring when the water elevation in the lake is at 75.4 m.

#### **Combined Statistical Analysis of Storm Events and Lake Levels**

The HYDSTAT computer program (developed by the Ontario Ministry of Natural Resources in 1982) was used to determine the combined probability of the occurrence of storm events and water levels in Lake Ontario.

The recurrence interval of lake levels for Lake Ontario at Burlington were extracted from a report (*Great Lakes System Flood Levels and Water Related Hazards*, 1989) published by the Conservation Authorities and the Ministry of Natural Resources. This report analyzed the average monthly lake levels and the instantaneous peak water levels that have been recorded over an 87-year period (1900 to 1987). The statistical analysis for the Hamilton Beach Master Drainage Plan has been based on the instantaneous peak water levels since that would provide the most conservative analysis. The instantaneous peak lake elevations for Lake Ontario at Burlington have been extracted from the report and are tabulated in Table 4.1 (column 2).

The lake level elevations are based on the International Great Lakes Datum (IGLD) 1955. Topographic mapping for the Hamilton Beach area is based on the Canadian Geodetic Datum (CGD). The elevation difference between the IGLD (1955) and the Geodetic Datum (1985) is negligible (personal communications with Ralph Moulton, Manager of Great Lakes-St. Lawrence Water Level Information Office in the Hamilton area).

In order to statistically combine the recurrence interval of lake levels and storm events it is necessary to estimate the depth of water that would result during each storm event independent of the lake level. This was accomplished by estimating the design storm peak flow from a sub-basin. For the purposes of this report sub-basin 470 was used as representative of the area. The depth of ponding that would be required to convey this flow through the available outlet was then simulated (using a low lake level) and have been tabulated in Table 4.1 (column 3). This estimate takes into consideration the attenuation of the peak flows due to the storage available for ponding at each of the outlets.

Both frequency curves were then input into the HYDSTAT program. The resultant combined frequency of flood elevations (lake elevation plus ponding depth) was estimated to be as follows. Details of the analysis are provided in Appendix B.

**TABLE 4.1**  
**Combined Frequency Analysis for Lake Levels**  
**and Flooding Depths**

| (1)<br>Return Period | (2)<br>Instantaneous<br>Peak Lake Level | (3)<br>Depth of<br>Water | (4)<br>Combined<br>Frequency |
|----------------------|---|--------------------------|------------------------------|
| 2 year               | 75.28 m                                 | 0.18 m                   | 75.44 m                      |
| 5 year               | 75.49 m                                 | 0.23 m                   | 75.65 m                      |
| 10 year              | 75.61 m                                 | 0.25 m                   | 75.76 m                      |
| 25 year              | 75.75 m                                 | 0.28 m                   | 75.89 m                      |
| 50 year              | 75.84 m                                 | 0.34 m                   | 75.98 m                      |
| 100 year             | 75.93 m                                 | 0.38 m                   | 76.05 m                      |

Table 4.2 provides a tabulation of the flood levels for the design storms derived from the computer simulations representing the existing storm sewer with future proposed development. As previously discussed the constant lake level used in the model was 75.4 m. The table also provides an estimate of the frequency of flood levels (derived from column 4 of Table 4.1). It is possible to estimate the level of flood protection that would be provided by each of the options considered. For example simulations of Option 2 indicate that flooding would be reduced during a 1 in 10-year storm but not during a 1 in 25-year storm (with a constant lake level of 75.4 m). This indicates that the level of protection would be greater than a 1 in 10-year level.

**TABLE 4.2**  
**Frequency of Flooding Depths**  
**Lake Level 75.4 m**

| Design<br>Storm<br>Frequency | Flood Level<br>(m) | Estimated Flood Level<br>Frequency<br>(based on column 4 of<br>Table 4.1) |
|------------------------------|--------------------|---|
| 2                            | 75.66              | 5 year  |
| 5                            | 75.77              | 10 year   |
| 10                           | 75.80              | >10 year  |
| 25                           | 75.83              | <25 year  |
| 50                           | 75.85              | <25 year  |
| 100                          | 75.87              | 25 year   |

#### *4.3.1.2 Economic Evaluation*

Ten years of data were available, from the City of Hamilton, regarding the annual cost of temporary pumping during spring periods. For comparison purposes these costs were adjusted to 1999 dollars and are shown on Figure 4.7. For illustration purposes the average monthly water levels in Lake Ontario have also been graphed (Figure 4.6). As the graphs illustrate some level of pumping was required for every year when the lake levels exceeded 75 m. For example Lake Ontario water levels remained below 75 m during 1995 and there was no pumping required.

The collected data spans a wide range of flooding conditions on the Beach strip and therefore provides a good indication of pumping costs in the future. The highest average monthly lake level in 1993 was 75.6 m and in 1998 was 75.4 m. A statistical analysis of the average monthly lake levels (*Great Lakes System Flood Levels and Water Related Hazards*, Ministry of Natural Resources, 1989) indicates that the 1993 water level has a return period of greater than 1 in 200 years and the 1998 water level has a return period of approximately 1 in 50 years.

The average annual cost of pumping is estimated to be \$60,600 over the ten-year period (1989 to 1998). This value was used in the following analysis to provide a base case for comparison purposes.



Figure 4.6  
Average Monthly Lake Levels, Lake Ontario

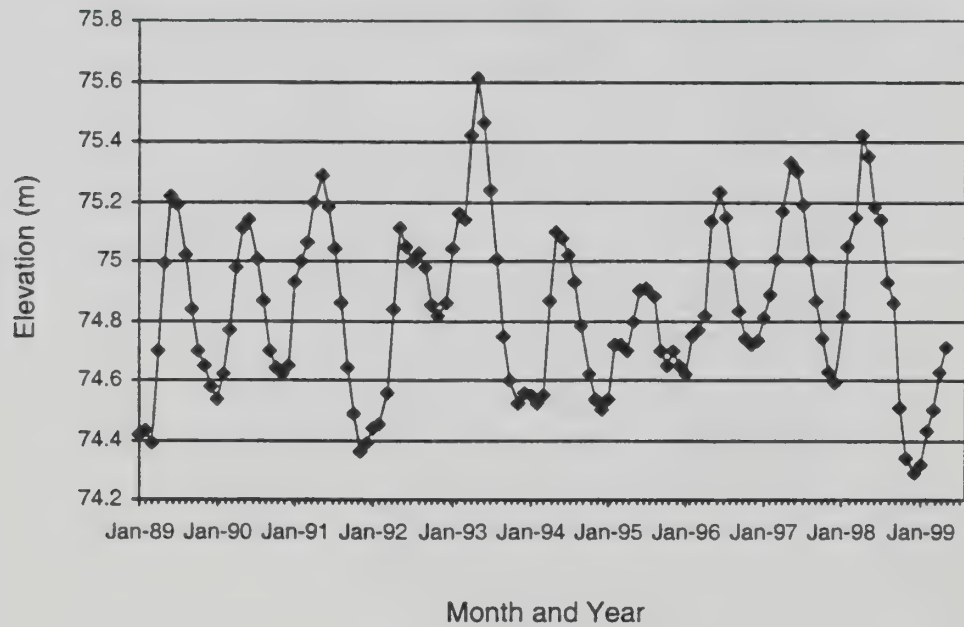
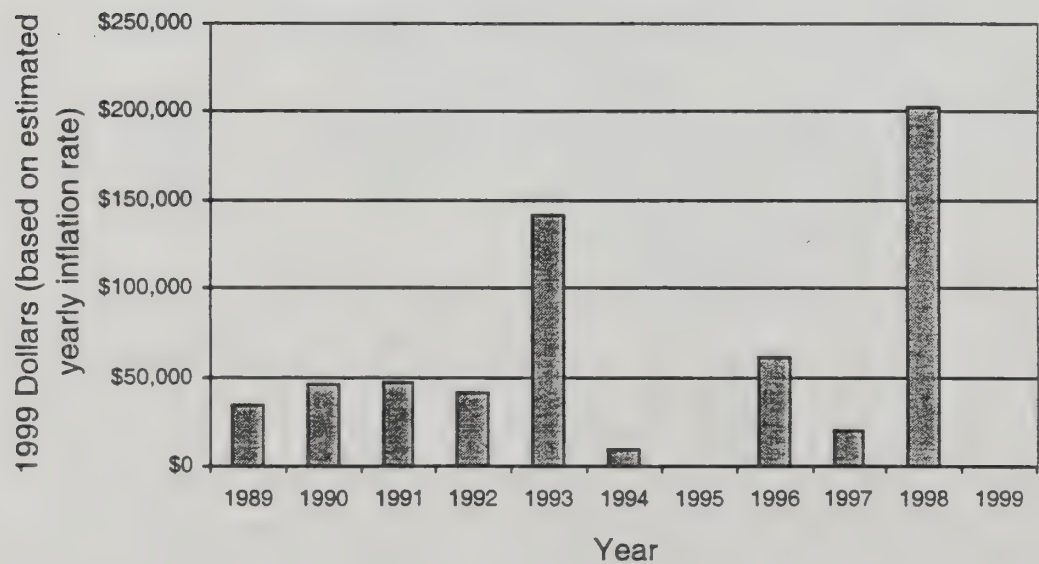


Figure 4.7  
Pumping Cost Estimate Hamilton Beach Neighbourhood



### Present Value Cost Analysis

The economic analysis of the different options was based on the costs of construction, operation and maintenance and the need for back-up flood protection measures (dependent on the level of protection provided). The costs of materials and construction have been estimated for each of the options considered. These costs are tabulated in Table 4.3 and include a 25% engineering and contingency fee.

**TABLE 4.3**  
**Preliminary Cost Estimate for Construction**

| Option | Item Description   | Estimated Cost |
|--------|--|----------------|
| 2      | Storm sewers<br>Ditch Inlet Catchbasins<br>Tunneling under QEW (84 m – 1050 mm)                                    | \$520,000      |
| 2a     | Storm sewers<br>Ditch Inlet Catchbasins<br>Tunneling under QEW (84 m – 1200 mm)                                    | \$570,000      |
| 3      | Storm sewers (545 m – 750 mm)<br>Ditch Inlet Catchbasins<br>Pumping lift station<br>400 mm forcemain under the QEW | \$1,040,000    |
| 4      | Storm sewers (545 m – 900 mm)<br>Ditch Inlet Catchbasins<br>Pumping lift station<br>400 mm forcemain under the QEW | \$1,050,000    |
| 5      | Pumping lift station   | \$200,000      |

Table 4.4 provides a summary of the assumptions made for the operation and maintenance costs for each of the options.

The maintenance cost for the Options 2 and 2a have been estimated at \$500 per year. This will include yearly removal of any garbage and/or vegetation, which may obstruct the ditch inlet catchbasins. As well, periodic removal of sediment from the storm sewer may be required since the grade will be relatively flat and the velocities of flow through the system low.

Operation and maintenance costs for Options 3 and 4 are similar since both rely on a pumping lift station to lower storm water levels in the Hamilton Beach Neighbourhood. It is expected that the pumps will only operate during storm events. Option 5 also relies on a pumping lift station however it is located within the ditch between the QEW and Eastport Drive. The intent of this system will be to keep water levels in the ditch at a low elevation such that the storm sewer outlets from the Hamilton Beach Neighbourhood are not submerged. It is expected that this pump station will operate nearly continuously since seepage of water from Hamilton Harbour will occur. Also, it is necessary to keep the water levels low at all times since the exact timing and intensity of a storm event would be difficult to predict in advance.

**TABLE 4.4**  
**Estimation of Operation and Maintenance Costs**

| Option | Task Description         | Estimated Cost | Interval |
|--------|--------------------------|----------------|----------|
| 2      | Garbage/sediment removal | \$500          | 1 year   |
| 2a     | Garbage/sediment removal | \$500          | 1 year   |
| 3      | Electricity              | \$500          | 1 year   |
|        | Pump overhaul            | \$5,000        | 7 years  |
|        | New pump                 | \$43,000       | 20 years |
| 4      | Electricity              | \$500          | 1 year   |
|        | Pump overhaul            | \$5,000        | 7 years  |
|        | New pump                 | \$43,000       | 20 years |
| 5      | Electricity              | \$1,200        | 1 year   |
|        | Pump overhaul            | \$5,000        | 3 years  |
|        | New pump                 | \$43,000       | 9 years  |

Table 4.5 provides a summary of the assumptions made for the present value cost analysis of the average annual costs associated with back-up pumping for the different options.

The average annual cost associated with back-up pumping is based on the assumption that flooding will occur once the estimated protection level is exceeded. For example, for Option 2 it was assumed that flooding would occur once every ten years (total of ten times over the 100 year service life) and the cost to provide back-up pumping during each event would be \$100,000 (approximately 50% of the maximum annual cost for pumping recorded in 1998).

**TABLE 4.5**  
**Estimation of Back-up Pumping Costs**

| Option | Approximate Level of Protection | Estimated Annual Cost of Back-up Pumping |
|--------|---------------------------------|--|
| 2      | ~10 year                        | \$10,000                                 |
| 2a     | ~25 year                        | \$5,000                                  |
| 3      | < 2 year                        | \$30,000                                 |
| 4      | 25 year                         | \$2,000                                  |
| 5      | 2 year                          | \$15,000                                 |



## 5 Lot Level Controls

As infill development proceeds in the Hamilton Beach Neighbourhood there is the potential for adjacent existing development to be impacted. The second goal of the Master Drainage Plan is to ensure that new development in the Hamilton Beach neighbourhood:

*“...must not impact existing development due to changes in grade and drainage patterns.”*

The hydrologic and hydraulic modeling that was completed for the Hamilton Beach neighbourhood indicates that there will be an increase in peak flows and runoff volumes due to the proposed redevelopment. The modeling also indicates that the storm sewers themselves will have the capacity to convey the additional flows. However, the existing outlets under the QEW are already at or near capacity at some locations. Therefore, it will be necessary to provide lot level control on post-development peak flows from some of the redeveloped lots (see requirements described in Section 5.2).

The City of Hamilton has site plan control for all redeveloped lots west (bay side) of Beach Boulevard. It is recommended that the City of Hamilton have site plan control east of Beach Boulevard as well since any redevelopment in this area has the potential to impact existing development. The site plan control provides a means to control lot grades during and after redevelopment.

### 5.1 Major Overland Flow Route

The major overland flow route for the Hamilton Beach neighbourhood is the streets. As previously discussed the general slope of the beach strip is from the east to the west (lake side to the bay side). However, Beach Boulevard tends to intercept overland flow from the land on the east side. Overland flows then follow the road grades to the west side of the beach strip where catchbasins and culverts convey the flows under the QEW to the harbour. Figures 3.1 and 3.2 show the overland flow route. To ensure that any impacts to existing development are mitigated it is important that future development in the Hamilton Beach neighbourhood make use of these existing overland flow routes.

### 5.2 Lot Level Drainage and Stormwater Management

The following sections of the report provide recommendations for grading and stormwater management for the different types of redevelopment for the entire Hamilton Beach neighbourhood.

#### 5.2.1 Single Family Residential

The majority of redevelopment in the Hamilton Beach neighbourhood will be as single family residential lots. In general, these lots occur as groups of adjacent lots, however, there are a few proposed single infill lots as well. Figures 5.1, 5.2 and 5.3 provide an illustration of the grading required for the redevelopment of single family residential lots.

- Where single family residential infill development is proposed, the lots should be raised to an elevation such that the building envelope slopes to the fronting road (at a minimum grade of 0.5%). In most cases this will result in a lot elevation greater than 76.0 m (as required by by-law 98-281).
- For single infill lots a 1.7-m side yard on either side of the building envelope must be provided to allow for a drainage swale and provide for any grading to existing elevations. The raised building envelopes may only extend to 85% of the lot depth (unless otherwise specified). This includes any sloping required for matching to existing grades and a rear swale to convey runoff towards side swales, which convey flows to the front of the house. The remaining 15% of the lot length (from the rear lot boundary) is to remain at existing grade.
- For multiple adjoining infill lots where development proceeds simultaneously a common swale between the houses may be constructed. Each adjacent lot to be developed must provide a minimum allowance of 0.75-m for the swale. The end lots, which side onto an existing development, must provide a minimum allowance of 1.7-m on that side of the lot to provide for a swale and grading to existing elevations. Where possible a swale should be constructed along the rear lots to ensure a positive drainage route. If this is not possible approximately 15% of the lot length (from the rear lot boundary) should be maintained at existing grades.
- Where there is no positive drainage for the rear lots and grading changes may impact existing development the entire depth of the lot must be graded towards the road it fronts onto (or towards the road it sides onto if appropriate).
- Drainage swales must 1) be constructed to convey the peak flow from a 10 year storm; 2) have a minimum slope of 0.5%; 3) convey drainage from the building envelope to the fronting road. The drainage swales must not impact existing development.

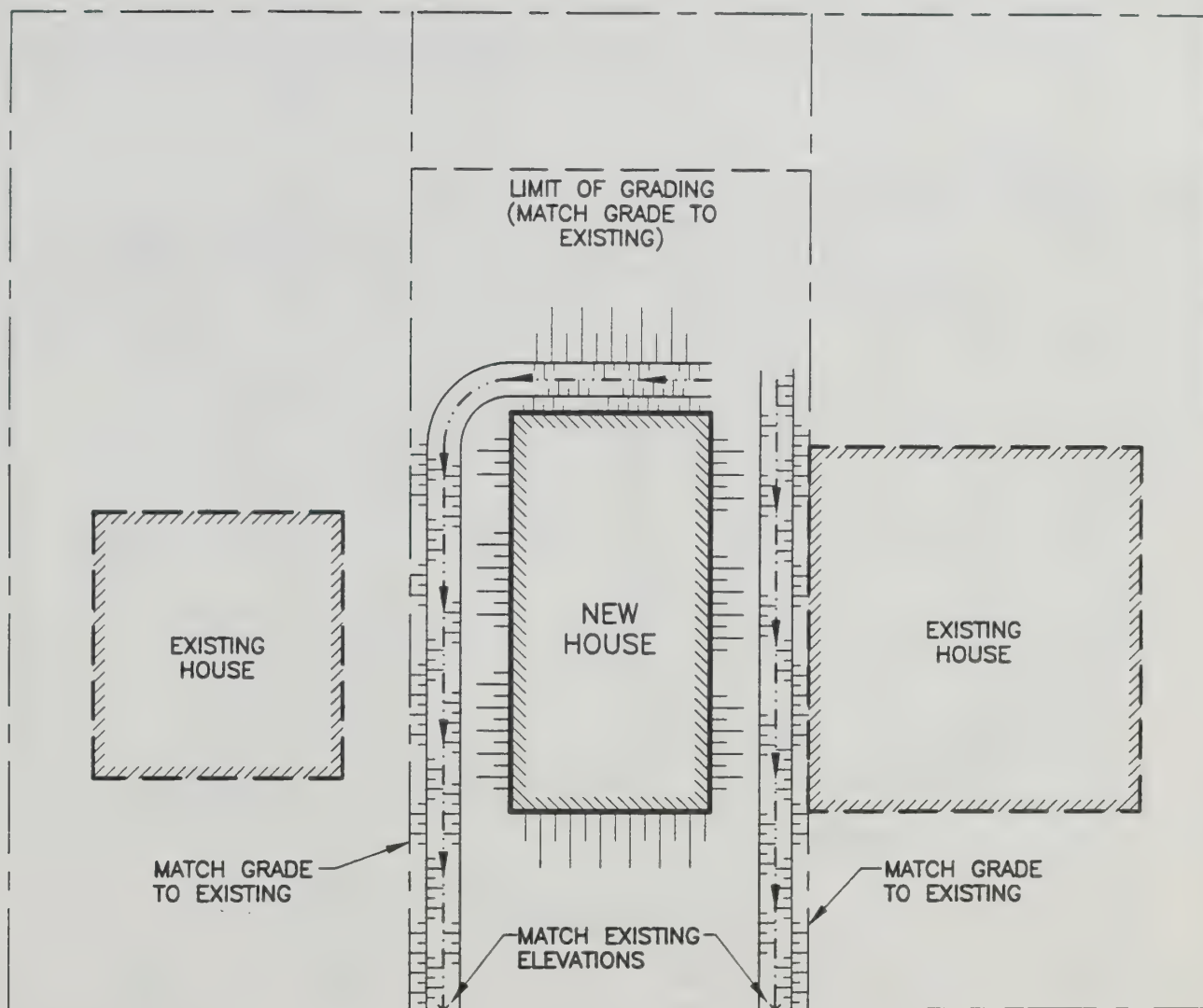
It is recommended that the minimum lot size for a single infill redevelopment be 12 m in width (40 feet) to allow for the 1.7-m side yard required on either side of the building envelope for drainage. The minimum lot size for multiple lot redevelopment should be 11 m in width (35 feet) to allow for the 0.75-m and 1.7-m side yards required on either side of the building envelope for drainage. Figures 5.4 and 5.5 illustrate which lots could not be developed given the above lot size constraints.

It is further recommended that all roof leaders be directed to pervious surfaces (such as the rear yard) to allow for infiltration of stormwater. Roof leaders must not be directly connected to the storm sewer.

## **5.2.2 Attached Housing and Low Density Apartments**

The main node of future attached housing and low-density apartments is located west of Beach Boulevard, south of Arden Avenue and north of Bayside Avenue. These types of developments tend to have parking lots associated with them and a higher imperviousness ( $\geq 45\%$ ) than single family residential lots. Since there is more

REAR LOTS



FRONTING STREET

1.7m (MINIMUM WIDTH OF SWALE AND GRADING)

-0.5% MINIMUM SLOPE OF FILL TO FRONTING STREET

CLIENT

CITY OF HAMILTON

TITLE

SINGLE INFILL DEVELOPMENT  
TYPICAL GRADING



**Marshall  
Macklin  
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Checked  
J.C.P.

Drawn  
AutoCAD/B.K.B.

Date  
JULY 29 1999

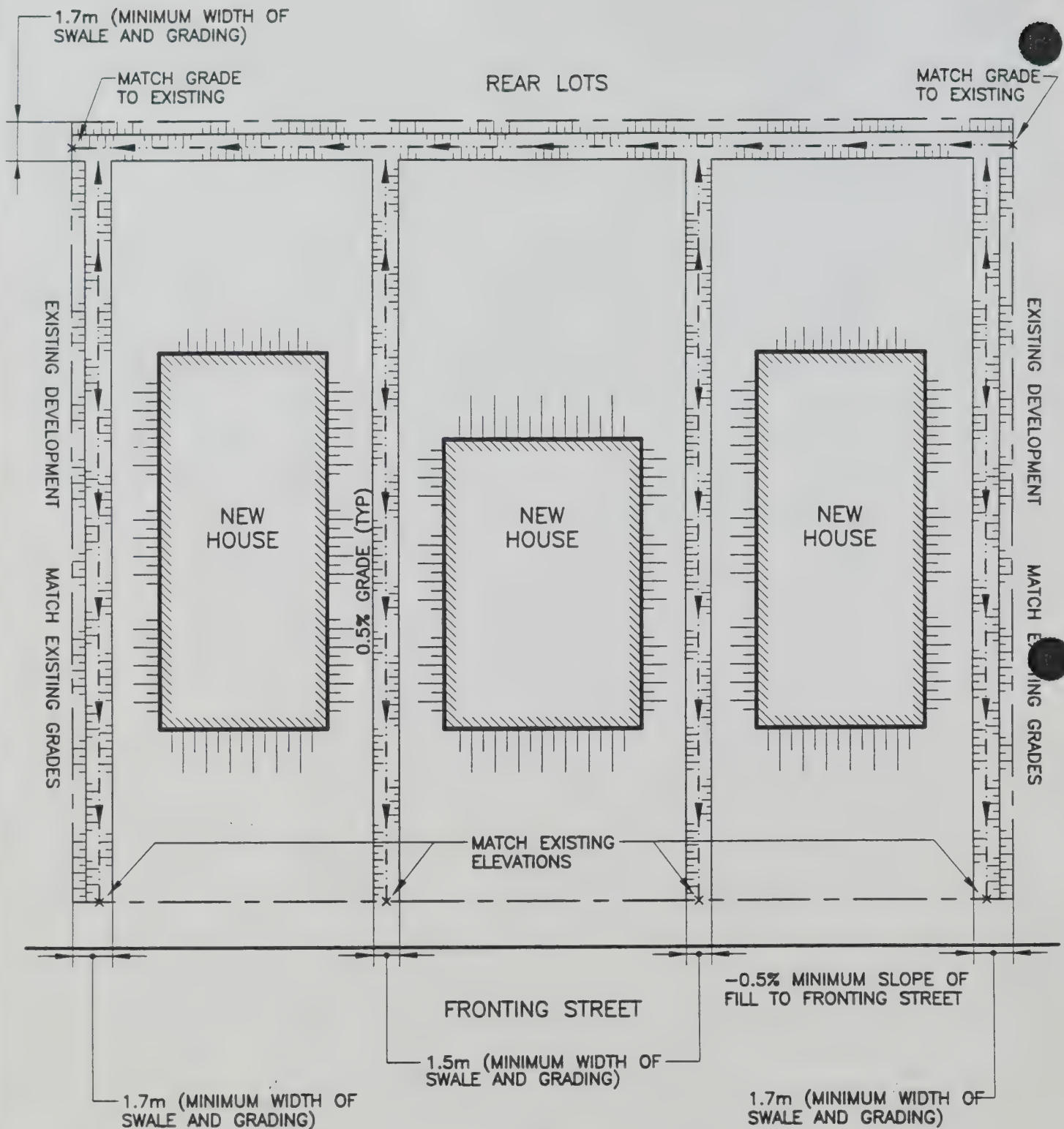
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Scale  
N.T.S.

Figure No. **5.1**

Gr.No.  
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CLIENT

CITY OF HAMILTON

TITLE

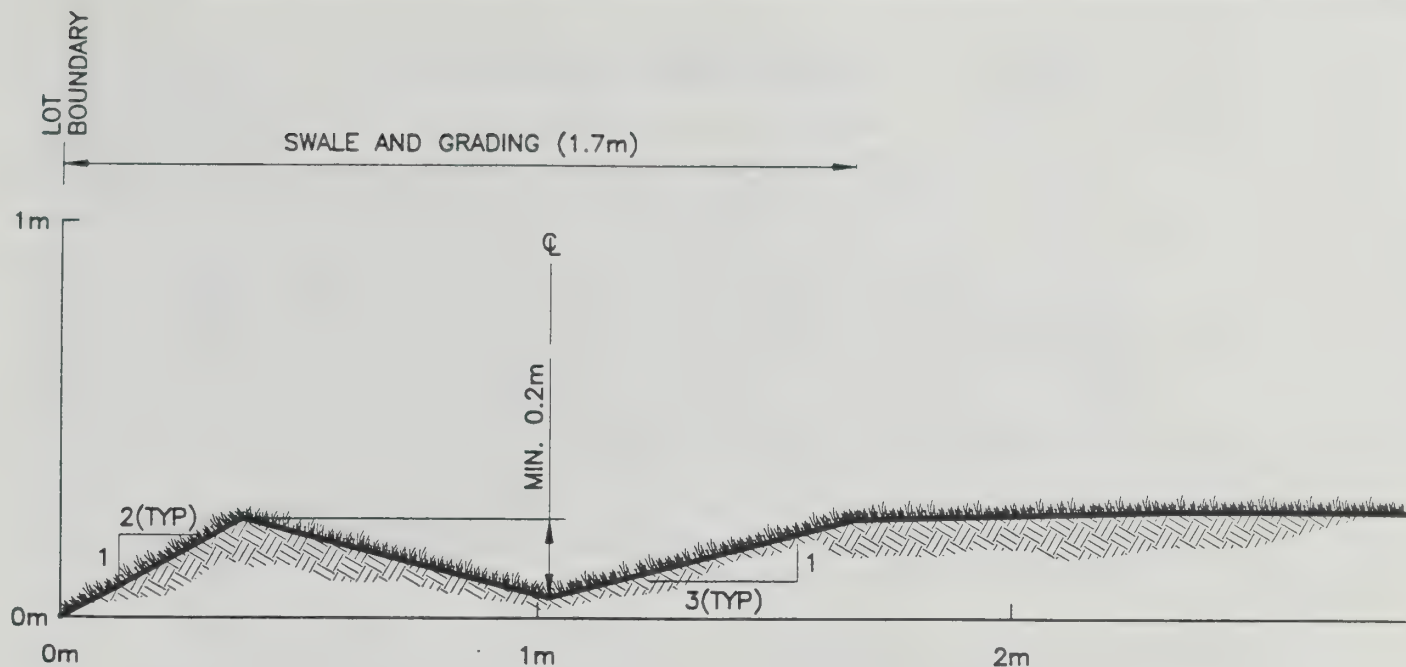
# MULTIPLE INFILL DEVELOPMENT TYPICAL GRADING (WHERE REAR SWALE IS POSSIBLE)



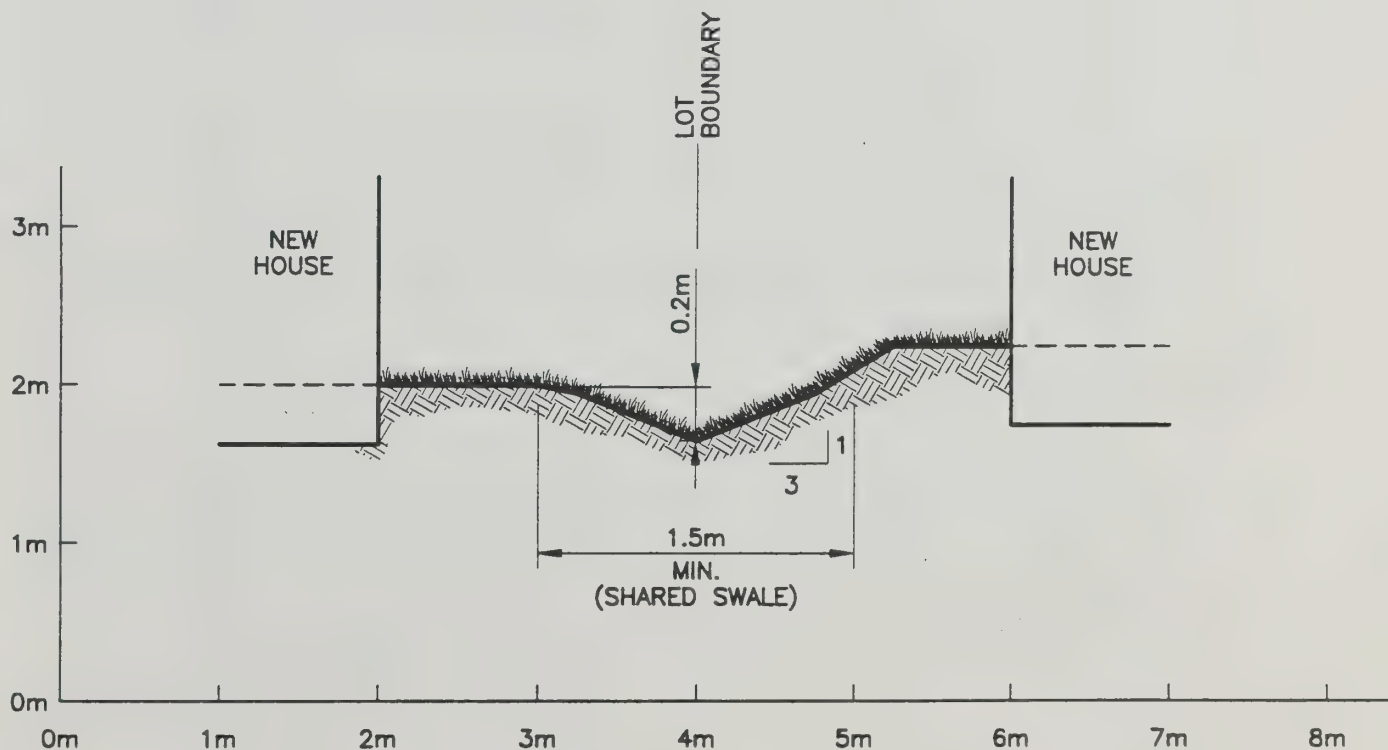
**Marshall  
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TYPICAL SIDELOT SWALE ADJACENT TO EXISTING DEVELOPMENT



TYPICAL SWALE BETWEEN TWO NEW DEVELOPMENTS

CLIENT

CITY OF HAMILTON

TITLE

SWALES



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Proj. No.  
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Scale  
N.T.S.

Figure No. **5.3**

Gr.No.  
01

opportunity to provide storage, on parking surfaces, it is recommended that post-development flows up to the 100-year storm be controlled to pre-development levels.

As with the single family residential developments, it is important that the overland flow is directed to a major overland flow route and does not impact existing development. Lots that back onto the QEW may provide an overland flow route directly to the ditch along the QEW noise berm. Those lots that do not back onto the QEW must be graded, with drainage swales similar to those proposed for the single-family residential lots, to the fronting street.

It is recommended that all roof leaders be directed to pervious surfaces (such as landscaped areas) to allow for infiltration of stormwater. Roof leaders must not be directly connected to the storm sewer.

### 5.2.3 Commercial and Civic/Institutional

Lands slated for commercial and institutional development occur throughout the Hamilton Beach neighbourhood. These developments tend to have a higher imperviousness ( $\geq 60\%$ ) than single family residential lots. Since there is an opportunity to provide stormwater storage, on parking surfaces and potentially rooftops, it is recommended that post-development flows up to the 100-year storm be controlled to pre-development levels.

All overland flows from the developments must be directed to a street, with the exception of any proposed developments that back onto the QEW. These lots are to be graded towards the QEW.

It is recommended that all roof leaders be directed to pervious surfaces (such as landscaped areas) to allow for infiltration of stormwater. Roof leaders must not be directly connected to the storm sewer.

### 5.2.4 Public Parking Lots

Two public parking lots are proposed at the south end of the Hamilton Beach neighbourhood, west of Beach Boulevard and south of Fletcher Avenue. It is recommended that the parking lots control post-development peak flows to pre-development levels (up to the 1 in 100-year storm) to ensure that there are no impacts to the existing storm sewer.

The parking lots should be graded to the west towards the QEW ditch.

### 5.2.5 Parks

It is recommended that redevelopment of lots as parks take into consideration the natural grades and drainage directions. Minimal alteration to the grades should be made to ensure that any natural ponding characteristics are maintained.



## 6 Conclusions

### 6.1 Street Flooding

Six different options were investigated to alleviate the existing chronic flooding of streets in the Hamilton Beach neighbourhood.

**Option 1 (Continue Current Practices):** This option includes non-construction means to improve drainage to the outlets under the QEW berm. It is recommended to remove any earthen or wooden berms at the street ends, which obstruct the flow of water to the QEW ditch and to ensure outlets are free of sediment, vegetation and garbage.

**Option 2 (Gravity Drainage Improvements):** Convey stormwater by gravity to a new outlet under the QEW. Provide ditch inlet catchbasins at the end of Wickham, Grafton, Comet, Granville, Clare and Arden and collect stormwater in a pipe running parallel to the QEW noise berm. A new outlet pipe at the end of Granville Avenue will convey stormwater across the QEW to the ditch between Eastport Drive and the QEW. The pipe will be large enough to ensure peak flows will be conveyed under low head conditions due to high lake levels.

**Option 2a (Gravity Drainage Improvements with larger storm sewers):** Similar to Option 2 but storm sewer sizes were increased to the next larger pipe diameter.

**Option 3 (Pumping to Existing Sewer):** Convey stormwater to an outlet by pumping to an existing storm sewer. Provide catchbasins at the end of Windemere, Knapmans, Wickham, Grafton, Comet, Granville, Clare and Arden and collect stormwater in a pipe running parallel to the QEW noise berm. A lift station at Knapmans Drive would pump stormwater to an existing storm sewer that runs between Eastport Drive and the QEW. Different pump rates were considered to determine the impact pumping will have on the downstream storm sewer. This option may include a new pipe under the QEW.

**Option 4 (Pumping to Existing Ditch):** Convey stormwater to an outlet by pumping to an existing ditch between Eastport Drive and the QEW. Similar to Option 3 except the lift station will be located at the end of Granville Avenue and water will be pumped to the existing ditch. Different pump rates were reviewed to determine the impact pumping will have on the downstream ditch. This option may include a new pipe under the QEW.

**Option 5 (Lower Tailwater by Pumping Existing Ditch):** Water levels in the ditch located between the QEW and Eastport Drive would be kept low by installing a pump lift station at the downstream end of the ditch (opposite Kirk Road). By lowering the water level in the ditch, storm sewer outlets from the Hamilton Beach Neighbourhood would not be submerged.

The options were evaluated technically through the use of a hydrologic (OTTSWMM) and hydraulic (EXTRAN) model. The options were also evaluated economically using Present Value costs over a service life of 100 years. The following table provides a summary of the results of that evaluation.

## Summary of Technical and Economic Evaluation

| Option # | Description       | Protection Level | Present Value | Net Benefit |
|----------|-------------------|------------------|---------------|-------------|
| 1        | Current Practices | < 2 year         | \$1,150,000   | -           |
| 2        | Gravity           | >10 year         | \$700,000     | \$450,000   |
| 2a       | Gravity           | <25 year         | \$650,000     | \$500,000   |
| 3        | Pump to sewer     | < 2 year         | \$1,840,000   | (\$690,000) |
| 4        | Pump to ditch     | ~25 year         | \$1,320,000   | (\$170,000) |
| 5        | Pump from Ditch   | 2 year           | \$920,000     | \$230,000   |

Technically only Options 2, 2a and 4 meet the goal of the study since they provide a level of reduction to the frequency of flooding.

Economically Option 2a would be preferred since it has the greatest benefit/loss ratio. The level of protection provided is approximately 1 in 25 years which is consistent with (or slightly greater than) other municipal drainage works designed using the City of Hamilton's standard drainage criteria. In addition, Option 2 or 2a would not preclude the future addition of a pump lift station if a higher level of service were required. Hence it is recommended that Option 2a be selected for implementation.

### **6.2 Lot Grading**

The City of Hamilton has site plan control for all redeveloped lots west (bay side) of Beach Boulevard. It is recommended that the City of Hamilton have site plan control east of Beach Boulevard as well since any redevelopment in this area has the potential to impact existing development. The site plan control provides a means to control lot grades during and after redevelopment.

A Master Drainage Plan for the overland flow has been prepared and drainage criteria specified for redevelopment of lots designated for Single Family Residential, Attached Housing, Low Density Apartments, Commercial, Civic Institutional, Parking Lots and Parks. Major overland flow routes and control elevations for redevelopment are shown on Figures 5.4 and 5.5. The stormwater management criteria for redevelopment are provided in Section 5.2 of the preceding text.

# APPENDIX



PROGRAM HYDSTAT OUTPUT

INPUT NVAR = 2  
MULT = 0 IAV = 0  
COEFF1 = 1.000000  
COEFF2 = 1.000000  
EX1 = 1.000  
EX2 = 1.000  
CONST = .00000

LAKE ONTARIO ANNUAL MAX INSTANTANEOUS WATER LEVELS

NUMBER OF POINTS= 0 DISTRIBUTION TYPE = 6 RESULTS TO BE WRITTEN = 1

XLO = .43111E+01 XSC = .88180E-03 LOWER BOUND OF X = .11790E+02

LAKE ONTARIO ANNUAL MAX INSTANTANEOUS WATER LEVELS

SUMMARY TABLE  
\*\*\*\*\*

| DISTRIBUTION<br>TYPE | LOCATION<br>PARAMETER | SCALE<br>PARAMETER | SHAPE<br>PARAMETER | LEAST-SQUARES<br>STANDARD ERROR | 5 YR<br>ESTIMATE | 100 YR<br>ESTIMATE |
|----------------------|-----------------------|--------------------|--------------------|---------------------------------|------------------|--------------------|
| 1 NORMAL             | .00000E+00            | .00000E+00         | .00000E+00         | .00000E+00                      | .000             | .000               |
| 2 LOG-NORMAL         | .00000E+00            | .00000E+00         | .00000E+00         | .00000E+00                      | .000             | .000               |
| 3 GUMBEL             | .00000E+00            | .00000E+00         | .00000E+00         | .00000E+00                      | .000             | .000               |
| 4 LOG-GUMBEL         | .00000E+00            | .00000E+00         | .00000E+00         | .00000E+00                      | .000             | .000               |
| 5 PEARSON-3          | .00000E+00            | .00000E+00         | .00000E+00         | .00000E+00                      | .000             | .000               |
| 6 LOG-PEARSON-3      | .43111E+01            | .88180E-03         | .11790E+02         | .00000E+00                      | 75.484           | 75.930             |
| 7 LOG-NORMAL-3       | .00000E+00            | .00000E+00         | .00000E+00         | .00000E+00                      | .000             | .000               |
| 8 GEN. EXTREME V     | .00000E+00            | .00000E+00         | .00000E+00         | .00000E+00                      | .000             | .000               |

MINIMUM CHI-SQUARE DISTRIBUTION NO.= 6  
MINIMUM LEAST-SQUARES DISTRIBUTION NO.= 6

PROGRAM HYDSTAT OUTPUT

CURRENT NVAR = 2  
MULT = 0 IAV = 0  
COEFF1 = 1.000000

COEFF2 = 1.000000  
EX1 = 1.000  
EX2 = 1.000  
CONST = .00000

FLOOD DEPTHS FOR RETURN PERIOD STORMS - Proposed DEVELOPMENT

NUMBER OF POINTS= 0 DISTRIBUTION TYPE = 3 RESULTS TO BE WRITTEN = 1

XLO = .12640E+00 XSC = .55100E-01 LOWER BOUND OF X = .00000E+00

1

FLOOD DEPTHS FOR RETURN PERIOD STORMS - Proposed DEVELOPMENT

SUMMARY TABLE  
\*\*\*\*\*

| DISTRIBUTION<br>TYPE | LOCATION<br>PARAMETER | SCALE<br>PARAMETER | SHAPE<br>PARAMETER | LEAST-SQUARES<br>STANDARD ERROR | 5 YR<br>ESTIMATE | 100 YR<br>ESTIMATE |
|----------------------|-----------------------|--------------------|--------------------|---------------------------------|------------------|--------------------|
| 1 NORMAL             | .00000E+00            | .00000E+00         | .00000E+00         | .00000E+00                      | .000             | .000               |
| 2 LOG-NORMAL         | .00000E+00            | .00000E+00         | .00000E+00         | .00000E+00                      | .000             | .000               |
| 3 GUMBEL             | .12640E+00            | .55100E-01         | .00000E+00         | .00000E+00                      | .209             | .380               |
| 4 LOG-GUMBEL         | .00000E+00            | .00000E+00         | .00000E+00         | .00000E+00                      | .000             | .000               |
| 5 PEARSON-3          | .00000E+00            | .00000E+00         | .00000E+00         | .00000E+00                      | .000             | .000               |
| 6 LOG-PEARSON-3      | .00000E+00            | .00000E+00         | .00000E+00         | .00000E+00                      | .000             | .000               |
| 7 LOG-NORMAL-3       | .00000E+00            | .00000E+00         | .00000E+00         | .00000E+00                      | .000             | .000               |
| 8 GEN. EXTREME V     | .00000E+00            | .00000E+00         | .00000E+00         | .00000E+00                      | .000             | .000               |

MINIMUM CHI-SQUARE DISTRIBUTION NO.= 3  
MINIMUM LEAST-SQUARES DISTRIBUTION NO.= 3

SUMMARY OF MINIMUM LEAST-SQUARES DISTRIBUTIONS

MINIMUM LEAST-SQUARES DISTRIBUTION NUMBER FOR PREVIOUS VARIABLE=6  
MINIMUM LEAST-SQUARES DISTRIBUTION NUMBER FOR CURRENT VARIABLE=3

1

COMBINATION BETWEEN PREVIOUS VARIABLE AND  
FLOOD DEPTHS FOR RETURN PERIOD STORMS - Proposed DEVELOPMENT

| CUMULATIVE<br>DISTRIBUTION | COMPUTED<br>Z VALUE |
|----------------------------|---------------------|
| CDF(Z)                     | Z(I)                |
| .0052                      | 74.9119             |
| .0058                      | 74.9399             |
| .0075                      | 74.9679             |
| .0108                      | 74.9958             |

|       |         |
|-------|---------|
| .0162 | 75.0238 |
| .0243 | 75.0518 |
| .0356 | 75.0797 |
| .0505 | 75.1077 |
| .0695 | 75.1356 |
| .0928 | 75.1636 |
| .1205 | 75.1916 |
| .1525 | 75.2195 |
| .1887 | 75.2475 |
| .2285 | 75.2755 |
| .2714 | 75.3034 |
| .3168 | 75.3314 |
| .3640 | 75.3593 |
| .4122 | 75.3873 |
| .4606 | 75.4153 |
| .5085 | 75.4432 |
| .5553 | 75.4712 |
| .6004 | 75.4992 |
| .6433 | 75.5271 |
| .6836 | 75.5551 |
| .7212 | 75.5830 |
| .7558 | 75.6110 |
| .7874 | 75.6390 |
| .8160 | 75.6669 |
| .8416 | 75.6949 |
| .8644 | 75.7229 |
| .8846 | 75.7508 |
| .9022 | 75.7788 |
| .9175 | 75.8067 |
| .9308 | 75.8347 |
| .9422 | 75.8627 |
| .9519 | 75.8906 |
| .9602 | 75.9186 |
| .9672 | 75.9466 |
| .9730 | 75.9745 |
| .9779 | 76.0025 |
| .9820 | 76.0304 |
| .9854 | 76.0584 |
| .9882 | 76.0864 |
| .9903 | 76.1143 |
| .9919 | 76.1423 |
| .9930 | 76.1703 |
| .9938 | 76.1982 |
| .9943 | 76.2262 |
| .9946 | 76.2541 |
| .9947 | 76.2821 |

COMBINATION BETWEEN PREVIOUS VARIABLE AND  
FLOOD DEPTHS FOR RETURN PERIOD STORMS - Proposed DEVELOPMENT

THE NORMAL CUMULATIVE DISTRIBUTION (NO. 1)



( XLO = 75.45776 XSC = .22882 )

| ORDER | I  | CUMULATIVE<br>DISTRIBUTION<br>CDF (X) | X(I)    |
|-------|----|---------------------------------------|---------|
| 1     | 1  | .1000                                 | 75.1645 |
| 2     | 2  | .2000                                 | 75.2652 |
| 3     | 3  | .3000                                 | 75.3379 |
| 4     | 4  | .4000                                 | 75.3999 |
| 5     | 5  | .5000                                 | 75.4578 |
| 6     | 6  | .6000                                 | 75.5156 |
| 7     | 7  | .7000                                 | 75.5777 |
| 8     | 8  | .8000                                 | 75.6503 |
| 9     | 9  | .9000                                 | 75.7510 |
| 10    | 10 | .9600                                 | 75.8584 |
| 11    | 11 | .9800                                 | 75.9278 |
| 12    | 12 | .9900                                 | 75.9902 |
| 13    | 13 | .9950                                 | 76.0472 |
| 14    | 14 | .9980                                 | 76.1164 |

LEAST SQUARES STANDARD ERROR = .25794E-02

COMPUTED CHI-SQUARE= 1.64000

1

COMBINATION BETWEEN PREVIOUS VARIABLE AND  
FLOOD DEPTHS FOR RETURN PERIOD STORMS - Proposed DEVELOPMENT

THE LOG-NORMAL CUMULATIVE DISTRIBUTION (NO .2)

( XLO = 4.32357 XSC = .00303 )

| ORDER | I  | CUMULATIVE<br>DISTRIBUTION<br>CDF (X) | X(I)    |
|-------|----|---------------------------------------|---------|
| 1     | 1  | .1000                                 | 75.1649 |
| 2     | 2  | .2000                                 | 75.2652 |
| 3     | 3  | .3000                                 | 75.3377 |
| 4     | 4  | .4000                                 | 75.3996 |
| 5     | 5  | .5000                                 | 75.4574 |
| 6     | 6  | .6000                                 | 75.5153 |
| 7     | 7  | .7000                                 | 75.5773 |
| 8     | 8  | .8000                                 | 75.6501 |
| 9     | 9  | .9000                                 | 75.7511 |
| 10    | 10 | .9600                                 | 75.8589 |
| 11    | 11 | .9800                                 | 75.9286 |
| 12    | 12 | .9900                                 | 75.9914 |
| 13    | 13 | .9950                                 | 76.0488 |
| 14    | 14 | .9980                                 | 76.1185 |

LEAST SQUARES STANDARD ERROR = .25448E-02

COMPUTED CHI-SQUARE= 1.64000

1

COMBINATION BETWEEN PREVIOUS VARIABLE AND  
FLOOD DEPTHS FOR RETURN PERIOD STORMS - Proposed DEVELOPMENT

THE GUMBEL CUMULATIVE DISTRIBUTION (NO. 3)

(PARAMETERS XLO= 75.354790 XSC= .178407)

| ORDER<br>(I) | CUMULATIVE<br>DISTRIBUTION<br>CDF (X) | X (I)   |
|--------------|---------------------------------------|---------|
| 1            | .1000                                 | 75.2060 |
| 2            | .2000                                 | 75.2699 |
| 3            | .3000                                 | 75.3217 |
| 4            | .4000                                 | 75.3704 |
| 5            | .5000                                 | 75.4202 |
| 6            | .6000                                 | 75.4746 |
| 7            | .7000                                 | 75.5387 |
| 8            | .8000                                 | 75.6224 |
| 9            | .9000                                 | 75.7563 |
| 10           | .9600                                 | 75.9254 |
| 11           | .9800                                 | 76.0509 |
| 12           | .9900                                 | 76.1755 |
| 13           | .9950                                 | 76.2996 |
| 14           | .9980                                 | 76.4633 |

LEAST SQUARES STANDARD ERROR = .27434E-02

COMPUTED CHI-SQUARE= 3.62000

1

COMBINATION BETWEEN PREVIOUS VARIABLE AND  
FLOOD DEPTHS FOR RETURN PERIOD STORMS - Proposed DEVELOPMENT

THE LOG-GUMBEL CUMULATIVE DISTRIBUTION (NO. 4)

(PARAMETERS XLO= 4.322205 XSC= .002363)

| ORDER<br>(I) | CUMULATIVE<br>DISTRIBUTION<br>CDF (X) | X (I)   |
|--------------|---------------------------------------|---------|
| 1            | .1000                                 | 75.2062 |
| 2            | .2000                                 | 75.2699 |
| 3            | .3000                                 | 75.3215 |
| 4            | .4000                                 | 75.3701 |
| 5            | .5000                                 | 75.4199 |
| 6            | .6000                                 | 75.4743 |

|    |       |         |
|----|-------|---------|
| 7  | .7000 | 75.5384 |
| 8  | .8000 | 75.6221 |
| 9  | .9000 | 75.7563 |
| 10 | .9600 | 75.9262 |
| 11 | .9800 | 76.0525 |
| 12 | .9900 | 76.1781 |
| 13 | .9950 | 76.3034 |
| 14 | .9980 | 76.4691 |

LEAST SQUARES STANDARD ERROR = .27763E-02

COMPUTED CHI-SQUARE= 3.62000

1

COMBINATION BETWEEN PREVIOUS VARIABLE AND  
FLOOD DEPTHS FOR RETURN PERIOD STORMS - Proposed DEVELOPMENT

THE PEARSON-III CUMULATIVE DISTRIBUTION (NO.5)  
( XM = 75.45776 XS = .52356570E-01 CS = .41861 )

XLO = .74365E+02 XSC = .47892E-01 XSH = .22827E+02

| ORDER | CUMULATIVE<br>DISTRIBUTION | X(I)    |
|-------|----------------------------|---------|
| (1)   | CDF(X)                     |         |
| 1     | .1000                      | 75.1768 |
| 2     | .2000                      | 75.2622 |
| 3     | .3000                      | 75.3274 |
| 4     | .4000                      | 75.3856 |
| 5     | .5000                      | 75.4419 |
| 6     | .6000                      | 75.5002 |
| 7     | .7000                      | 75.5650 |
| 8     | .8000                      | 75.6440 |
| 9     | .9000                      | 75.7592 |
| 10    | .9600                      | 75.8894 |
| 11    | .9800                      | 75.9776 |
| 12    | .9900                      | 76.0598 |
| 13    | .9950                      | 76.1374 |
| 14    | .9980                      | 76.2346 |

LEAST SQUARES STANDARD ERROR = .10808E-02

COMPUTED CHI-SQUARE= .32000

1

COMBINATION BETWEEN PREVIOUS VARIABLE AND  
FLOOD DEPTHS FOR RETURN PERIOD STORMS - Proposed DEVELOPMENT

THE LOG-PEARSON-III CUMULATIVE DISTRIBUTION (NO.6)  
( XM = 4.32357 XS = .91837740E-05 CS = .41091 )

XLO = .43088E+01 XSC = .62262E-03 XSH = .23690E+02



| ORDER | CUMULATIVE<br>DISTRIBUTION | X(I)    |
|-------|----------------------------|---------|
| (1)   | CDF(X)                     |         |
| 1     | .1000                      | 75.1768 |
| 2     | .2000                      | 75.2623 |
| 3     | .3000                      | 75.3274 |
| 4     | .4000                      | 75.3856 |
| 5     | .5000                      | 75.4418 |
| 6     | .6000                      | 75.5001 |
| 7     | .7000                      | 75.5649 |
| 8     | .8000                      | 75.6439 |
| 9     | .9000                      | 75.7591 |
| 10    | .9600                      | 75.8894 |
| 11    | .9800                      | 75.9778 |
| 12    | .9900                      | 76.0602 |
| 13    | .9950                      | 76.1381 |
| 14    | .9980                      | 76.2356 |

LEAST SQUARES STANDARD ERROR = .10794E-02

COMPUTED CHI-SQUARE= .32000

1

COMBINATION BETWEEN PREVIOUS VARIABLE AND  
FLOOD DEPTHS FOR RETURN PERIOD STORMS - Proposed DEVELOPMENT

THE 3 PARAMETER LOG-NORMAL CUMULATIVE DISTRIBUTION (NO.7)

( XLO = .49147 XSC = .13799 )

| ORDER | CUMULATIVE<br>DISTRIBUTION | X(I)    |
|-------|----------------------------|---------|
| I     | CDF(X)                     |         |
| 1     | .1000                      | 73.3774 |
| 2     | .2000                      | 73.4632 |
| 3     | .3000                      | 73.5283 |
| 4     | .4000                      | 73.5863 |
| 5     | .5000                      | 73.6424 |
| 6     | .6000                      | 73.7004 |
| 7     | .7000                      | 73.7649 |
| 8     | .8000                      | 73.8436 |
| 9     | .9000                      | 73.9586 |
| 10    | .9600                      | 74.0892 |
| 11    | .9800                      | 74.1781 |
| 12    | .9900                      | 74.2613 |
| 13    | .9950                      | 74.3402 |
| 14    | .9980                      | 74.4395 |

LEAST SQUARES STANDARD ERROR = .17921E+00

COMPUTED CHI-SQUARE= 1000.00000

COMBINATION BETWEEN PREVIOUS VARIABLE AND  
FLOOD DEPTHS FOR RETURN PERIOD STORMS - Proposed DEVELOPMENT

GEV (MOMENTS) :            A =        .210            U =        75.365  
                             K =        .155            B =        .7672E+02

PARAMETERS OF THE GENERALIZED EXTREME VALUE DIST (NO. 8)

(UNBIASED MOMENT ESTIMATORS)

|                   |          |                 |               |                    |        |
|-------------------|----------|-----------------|---------------|--------------------|--------|
| MEAN VALUE OF X = | 75.36474 | VARIANCE OF X = | .21004400E+00 | COEF. OF SKEWNESS= | .15460 |
| 1                 | .1000    | 75.1778         |               |                    |        |
| 2                 | .2000    | 75.2610         |               |                    |        |
| 3                 | .3000    | 75.3252         |               |                    |        |
| 4                 | .4000    | 75.3830         |               |                    |        |
| 5                 | .5000    | 75.4396         |               |                    |        |
| 6                 | .6000    | 75.4987         |               |                    |        |
| 7                 | .7000    | 75.5649         |               |                    |        |
| 8                 | .8000    | 75.6459         |               |                    |        |
| 9                 | .9000    | 75.7640         |               |                    |        |
| 10                | .9600    | 75.8948         |               |                    |        |
| 11                | .9800    | 75.9801         |               |                    |        |
| 12                | .9900    | 76.0562         |               |                    |        |
| 13                | .9950    | 76.1242         |               |                    |        |
| 14                | .9980    | 76.2035         |               |                    |        |

LEAST SQUARES STANDARD ERROR = .96133E-03

COMPUTED CHI-SQUARE= .10000

COMBINATION BETWEEN PREVIOUS VARIABLE AND  
FLOOD DEPTHS FOR RETURN PERIOD STORMS - Proposed DEVELOPMENT

SUMMARY TABLE  
\*\*\*\*\*

| DISTRIBUTION<br>TYPE | LOCATION<br>PARAMETER | SCALE<br>PARAMETER | SHAPE<br>PARAMETER | LEAST-SQUARES<br>STANDARD ERROR | 5 YR<br>ESTIMATE | 100 YR<br>ESTIMATE |
|----------------------|-----------------------|--------------------|--------------------|---------------------------------|------------------|--------------------|
| 1 NORMAL             | .75458E+02            | .22882E+00         | .00000E+00         | .25794E-02                      | 75.650           | 75.990             |
| 2 LOG-NORMAL         | .43236E+01            | .30305E-02         | .00000E+00         | .25448E-02                      | 75.650           | 75.991             |
| 3 GUMBEL             | .75355E+02            | .17841E+00         | .00000E+00         | .27434E-02                      | 75.622           | 76.175             |
| 4 LOG-GUMBEL         | .43222E+01            | .23629E-02         | .00000E+00         | .27763E-02                      | 75.622           | 76.178             |
| 5 PEARSON-3          | .74365E+02            | .47892E-01         | .22827E+02         | .10808E-02                      | 75.644           | 76.060             |
| 6 LOG-PEARSON-3      | .43088E+01            | .62262E-03         | .23690E+02         | .10794E-02                      | 75.644           | 76.060             |
| 7 LOG-NORMAL-3       | .49147E+00            | .13799E+00         | .00000E+00         | .17921E+00                      | 73.844           | 74.261             |
| 8 GEN. EXTREME V     | .75365E+02            | .21004E+00         | .15460E+00         | .96133E-03                      | 75.646           | 76.056             |

MINIMUM CHI-SQUARE DISTRIBUTION NO. = 8

MINIMUM LEAST-SQUARES DISTRIBUTION NO. = 8



# APPENDIX "B"

## The Hamilton Beach Area

Hamilton Harbour

LAKE ONTARIO



Area of Interest

City of Hamilton

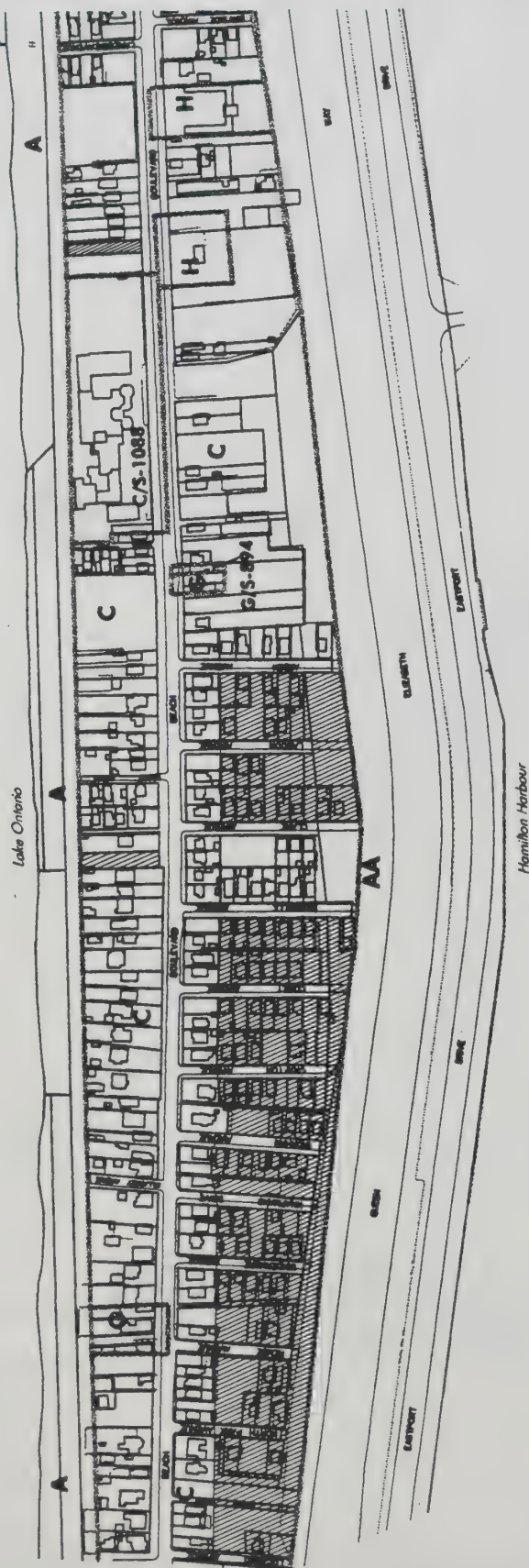
## Location Map

COMMUNITY PLANNING AND DEVELOPMENT DIVISION



Subject Lands


|                 |
|-----------------|
| Reference file: |
| CI-98-D         |
| Scale           |
| Not to Scale    |
| Date            |
| Aug. 1999       |
| Technician:     |
| J.S.            |
| Appendix "A"    |



## APPENDIX "C"

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

### Location Map

|  |                 |
|--|-----------------|
|  | Reference file: |
|  | CJ-98-D         |
|  | Scale           |
|  | Not to Scale    |
|  | Date            |
|  | Aug, 1999       |
|  | Technician:     |
|  | J.S.            |
|  | Appendix "B"    |

No Structures, except fences, allowed within the last 15% of the rear yard



# Office of the Municipal Clerk

## Memorandum

---

**TO:** Tina Agnello  
Secretary  
Planning and Development Committee

**FROM:** J. J. Schatz  
Municipal Clerk  
Office of the Municipal Clerk

**PHONE:** (905) 546-2727

**DATE:** 1999 September 9

**SUBJECT:** Referral from City Council – Correspondence – Hamilton Harbour  
Commissioners respecting Amendments to the Hamilton Harbour  
Commissioners' Land Use and Development By-law

Please be advised that City Council at its meeting held Tuesday, September 7, 1999 was in receipt of correspondence from the Hamilton Harbour Commissioners respecting amendments to the Hamilton Harbour Commissioners' Land Use and Development By-law.

The correspondence recommendation incorrectly referenced this matter being referred to the Finance and Administration Committee. As this is a planning issue, the correspondence should be referred to the Planning and Development Committee for consideration.

Attached herewith is a copy of this correspondence for presentation to the Planning and Development Committee





605 James St. N.  
Hamilton, Ontario, Canada  
L8N 3K1

Phone Numbers  
Hamilton 905-525-4330  
Inwats 1-800-263-2131

Fax Numbers  
Administration 905-528-6282  
General Office 905-528-6554



August 20, 1999

The Corporation of the City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Attn: Mr. J.J. Schatz  
Municipal Clerk

Dear Mr. Schatz;

RE: Amendments to the Hamilton Harbour Commissioners' Land Use and  
Development By-Law

In keeping with federal regulatory policy, amendments to the Hamilton Harbour Commissioners Land Use and Development By-Law must be formally confirmed by the Commissioners and subsequently served upon the City of Hamilton prior to publication in Part II of the Canada Gazette. Consequently, the Hamilton Harbour Commissioners, at their board meeting of July 28, 1999, passed the following resolution:

"THAT the Hamilton Harbour Commissioners make the annexed By-law Amending the Hamilton Harbour Commissioners' Land Use and Development By-Law, dated July 7, 1999."

This By-Law Amending the Hamilton Harbour Commissioners' Land Use and Development By-Law is served upon the Corporation of the City of Hamilton pursuant to subsection 20(2) of the Hamilton Harbour Commissioners' Act.

Yours Truly,  
THE HAMILTON HARBOUR COMMISSIONERS

R. Scott Smith  
Secretary to the Board of Commissioners

cc. Mr. R. Morriss  
Director General  
Port Programs and Divestiture

## RESOLUTION

## RÉSOLUTION

The Hamilton Harbour Commissioners in full meeting assembled on July 28, 1999, HEREBY RESOLVES

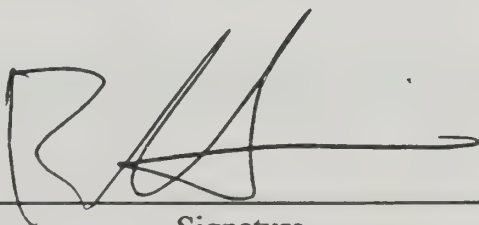
Les Commissaires du havre de Hamilton, réunis en assemblée générale le July 28 1999, déclarent :

That the Hamilton Harbour Commissioners make the annexed *By-law Amending the Hamilton Harbour Commissioners' Land Use and Development By-law*, dated July 7, 1999.

Que la Commissaires du havre de Hamilton prennent le *Règlement modifiant le Règlement sur l'aménagement et l'utilisation du havre de Hamilton*, daté du 7 juillet 1999, ci-après.

I hereby CERTIFY the foregoing to be a true copy of a resolution passed on July 28, 1999.

J'atteste que le texte ci-dessus est la copie conforme du texte de la résolution adoptée le July 28 1999.

  
\_\_\_\_\_  
Signature

R. Scott Smith  
Name (in capital letters) / Nom (en majuscules)

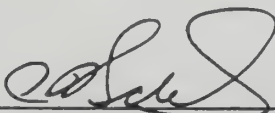
Secretary to the Board of Commissioners  
Title / Titre

ATTESTATION

This is to certify that a true copy of the *By-law Amending the Hamilton Harbour Commissioners' Land Use and Development By-law*, dated July 7, 1999, as adopted in a resolution dated July 28, 1999, was personally served on me on August 20, 1999, pursuant to section 20(2) of the *Hamilton Harbour Commissioners' Act*.

ATTESTATION

J'atteste que la copie conforme du *Règlement modifiant le Règlement sur l'aménagement et l'utilisation du havre de Hamilton*, daté du 7 juillet 1999, adopté par la résolution du July 28 1999, m'a été personnellement signifiée le Aug. 20 1999, en vertu de l'article 20(2) de la *Loi sur les commissaires du havre de Hamilton*.



Signature

J. J. SCHATZ

Name (in capital letters) / Nom (en majuscules)

CLERK

City Clerk or Alternate / Greffier municipal ou Suppléant



BY-LAW AMENDING THE HAMILTON HARBOUR COMMISSIONERS' LAND USE  
AND DEVELOPMENT BY-LAW

AMENDMENTS

**1. (1) The definitions “front yard”, “rear yard”, “setback” and “side yard” in section 2 of the *Hamilton Harbour Commissioners' Land Use and Development By-Law*<sup>1</sup> are replaced by the following:**

“front yard”, in respect of a lot, means the yard located between the side yards and between the front lot line and the part of a building on the lot that is nearest to that lot line; (*cour avant*)

“rear yard”, in respect of a lot, means the yard located between the side yards and between the rear lot line and the part of a building on the lot that is nearest to that lot line; (*cour arrière*)

“setback”, in respect of a yard, means the shortest horizontal distance between the lot line and the nearest point of any building located on the lot; (*retrait*)

“side yard”, in respect of a lot, means the yard on a side of the lot that extends from the front lot line to the rear lot line and from the lot line at the side to the part of the building on the lot that is nearest to the lot line at that side; (*cour latérale*)

**(2) The definition “lot” in section 2 of the French version of the By-law is replaced by the following:**

« lot » Parcelle de terre située sur le terrain et dont les limites figurent sur un plan d'arpentage préparé par un arpenteur de l'Ontario ou par un ingénieur du havre. (*lot*)

**(3) Section 2 of the By-law is amended by adding the following in alphabetical order:**

“Corporation” means The Hamilton Harbour Commissioners as established by *The Hamilton Harbour Commissioners' Act*, Statutes of Canada, 1912, Chapter 98; (*Corporation*)

“front lot line” means

(a) in the case of an interior lot, the lot line dividing the lot from the street,

(b) in the case of a corner lot, the shorter lot line abutting the street, except if each lot line is of equal length, in which case the front lot line is the lot line from which the principal access is provided, and

---

<sup>1</sup> SOR/90-449

(c) in the case of a through lot, the lot line from which the principal access is provided;  
(*limite de lot frontale*)

“gross floor area” means the aggregate of all the floor areas of a building at each storey including any mezzanine and basement floor areas; (*aire de plancher brute*)

“person” means an individual, association, partnership, corporation, municipal corporation, agent, administrator or trustee and any heirs or executors thereto; (*personne*)

“rear lot line” means the lot line farthest from and opposite to the front lot line; (*limite de lot arrière*)

“street” means

(a) a public street under the jurisdiction of a local or regional municipality but does not include an arterial road, or

(b) an access road or street constructed and maintained by the Corporation; (*rue*)

“usable floor area” means the gross floor area less the floor area of a cellar, chimney shaft, garbage chute, pipe shaft, elevator shaft, boiler room, air-conditioning room, machinery room and other building plant rooms; (*aire de plancher utilisable*)

## **2. Sections 3 and 4 of the By-law are replaced by the following:**

3. (1) This By-law applies, in accordance with the limitations on jurisdiction and control referred to in section 12 of *The Hamilton Harbour Commissioners' Act*, Statutes of Canada, 1912, Chapter 98, in respect of the use and development of the lands and property, on the waterfront or under water within the limits of the harbour of Hamilton, that are owned by the Corporation or by Her Majesty in right of Canada and are under the administration of the Corporation.

(2) The provisions of this By-law shall not apply to prevent the use of any land or building for any purpose prohibited by this By-law if the land or building was used for that purpose on August 15, 1990.

## **ZONES**

4. The lands shall be divided into zones according to specific types of use, as set out in column I of the table to this section and the zones are referred to using the symbols set out in column II. The zones shall be established in the areas shown in Schedule I in accordance with the legend set out in that Schedule.

TABLE

ZONES

| Column I |  | Column II |
|----------|--|-----------|
| Item     | Zone   | Symbol    |
| 1.       | Harbour operations zone                          | PZ-0      |
| 2.       | Harbour industrial operations zone               | PZ-1      |
| 3.       | Harbour operations or industrial operations zone | PZ-2      |
| 4.       | Harbour service commercial zone                  | PZ-3      |
| 5.       | Harbour navigation zone                          | PZ-4      |

**3. Paragraph 8(b) of the English version of the By-law is replaced by the following:**

(b) blood boiling, bone boiling, rendering fats and storing slaughterhouse products;

**4. Subsection 9(3) of the French version of the By-law is replaced by the following:**

(3) Lorsqu'une zone est attenante à une zone PZ-4, la ligne de démarcation du havre constitue la limite entre les deux zones.

**5. The heading before section 11 of the By-law is replaced by the following:**

COVERAGES AND SETBACKS

**6. (1) Paragraph 11(1)(c) of the By-law is replaced by the following:**

(c) the setback for a building with respect to a type of yard set out in column I of an item of Schedule II shall be not less than the distance set out in the applicable column of columns II to V of that item.

**(2) Subsection 11(2) of the By-law is replaced by the following:**



(2) Paragraph (1)(c) does not apply in respect of

(a) the construction or use of any building that is located adjacent to a lot line abutting

(i) a railway right-of-way for which loading facilities are required, or

(ii) a wharf for which loading facilities are required; or

(b) the enlargement, reconstruction, repair or renovation of an existing building that was not done in accordance with the requirements of that paragraph at the time it came into force, if the enlargement, reconstruction, repair or renovation does not further reduce the setback of the building.

**7. Subsection 12(1) of the French version of the By-law is replaced by the following:**

12. (1) Sous réserve du paragraphe (2), la hauteur maximale d'un bâtiment est de 17 m pour la zone PZ-0, la zone PZ-1 et la zone PZ-3 et de 37 m pour la zone PZ-2.

**8. The heading before section 14 of the By-law is replaced by the following:**

#### LOADING BERTHS

**9. Subsection 17(4) of the By-law is replaced by the following:**

(4) No person shall use a driveway for the parking of a motor vehicle for advertising, display or storage purposes.

**10. (1) Paragraph 22(1)(b) of the By-law is replaced by the following:**

(b) plans showing the location of buildings to be erected on the lot and the location of all other related facilities, parking areas and garages, loading berths, driveways, signs, signals and landscaping required by this By-law; and

**(2) Paragraph 22(2)(b) of the By-law is replaced by the following:**

(b) parking areas, loading areas and driveways, including the surfacing of such areas and driveways;

**(3) Paragraph 22(2)(e) of the English version of the By-law is replaced by the following:**

(e) grading, or a change in elevation of the lot, and the disposal of storm water, surface water and waste water from the lot and from any building or work on it;

**11. Subsection 24(2) of the Regulations is replaced by the following:**

(2) The application shall be accompanied by appropriate plans that show the location of existing buildings on the lot and, if not already submitted, the applicable surveys, plans and drawings referred to in subsection 22(1).

**12. Schedules I and II to the By-law are replaced by the following:**

SCHEDULE I  
(*Section 4*)

ANNEXE I  
(*article 4*)

ZONES WITHIN THE LANDS OF THE  
HARBOUR OF HAMILTON

ZONES DANS LE TERRAIN DU HAVRE  
DE HAMILTON



SCHEDULE II  
(Paragraph 11(1)(c))

REQUIRED YARDS - BUILDING SETBACKS

| Item | Column I                          | Column II                | Column III               | Column IV                | Column V                 |
|------|-----------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
|      | Type of Yard                      | Setback (m)<br>PZ-0 Zone | Setback (m)<br>PZ-1 Zone | Setback (m)<br>PZ-2 Zone | Setback (m)<br>PZ-3 Zone |
| 1.   | Front yard on the harbour         | 6                        | 6                        | 6                        | 6                        |
| 2.   | Front yard on a street            | 6                        | 6                        | 3                        | 3                        |
| 3.   | Interior side yard                | 3                        | 3                        | 0                        | 0                        |
| 4.   | Exterior side yard                | 4.5                      | 4.5                      | 2                        | 2                        |
| 5.   | Rear yard not on an arterial road | 3                        | 3                        | 3                        | 3                        |
| 6.   | Rear yard on an arterial road     | 9                        | 9                        | 9                        | 9                        |



13. Item 2 of Schedule III to the By-law is replaced by the following:

|      | Column I                | Column II   |
|------|-------------------------|---|
| Item | Type of Use             | Required Parking Space  |
| 2.   | Industrial or Warehouse | 1 parking space for every 90 m <sup>2</sup> of usable floor area of the industrial building or warehouse or 1 parking space for every two employees working the largest shift at the industrial building or warehouse, whichever is greater |

14. The French version of the By-law is amended by replacing the word “exploiter” with the word “aménager” in the following provisions:

- (a) the portion of section 5 before paragraph (a);
- (b) the portion of section 6 before paragraph (a);
- (c) the portion of section 8 before paragraph (a); and
- (d) subsections 9(1) and (2).

COMING INTO FORCE

15. These Regulations come into force on the day on which they are published in the *Canada Gazette*.





CONSENT AGENDA**PLANNING AND DEVELOPMENT COMMITTEE****Wednesday, September 22, 1999****9:30 o'clock a.m.****Room 233, City Hall****A. ADOPTION OF THE MINUTES**

- (i) Minutes of the meeting held August 11, 1999
- (ii) Minutes of the Special Meeting held August 18, 1999

**B. GENERAL MANAGER, PLANNING AND DEVELOPMENT DIVISION**

- (i) Condominium Application 99-01, "Parktown Condominiums", by Crystal Homes Limited, for approval of a Draft Plan of Condominium for lands located at 565 Rymal Road East. (PDC99078)
- (ii) 404 Jackson St W – demolition (PDC99082)
- (iii) 20 Adair Ave S – demolition (PDC99081)
- (iv) 3 Dexter Ave – demolition (PDC99083)

**C. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

- (i) Heritage Permit – Erection of a Pier for a Commemorative Plaque in the St. Clair Avenue and St. Clair Boulevard Heritage Conservation Districts (PDC99095)
- (ii) Heritage Permit – CN Station (PDC99094)

**D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

- (i) Information Items
- (ii) Authorization to attend Making Cities Livable Conference, Nov.1-5, 1999





Ai)

Wednesday, August 11, 1999  
Room 233, City Hall  
9:30 o'clock a.m.

**The Planning and Development Committee met.**

**There were present:** Alderman G. Copps, Vice-Chairperson  
Alderman B. Charters  
Alderman F. Eisenberger  
Alderman M. Caplan  
Alderman B. Kelly  
Alderman D. Haining

**Regrets:** Alderman F. D'Amico, Chairperson, Vacation  
Mayor R. Morrow, Vacation  
Alderman R. Corsini, Vacation

**Also present:** Alderman A. Horwath  
Alderman M. Kiss  
Alderman D. O'Sullivan  
Lee Ann Coveyduck, General Manager, Community  
Planning and Development Division  
Guy Paparella, Director, Planning and Development  
Paul Mallard, Planning and Development Department  
Joanne Hickey Evans, Planning and Development  
Christine Lee Morrisson, Planning and Development  
Nina Chapple, Planning and Development  
Helen Vastis, Solicitor, Corporate Counsel  
Dave Powers, Corporate Counsel  
Ed Switinky, Public Works and Traffic  
Eugene Chajka, Community Planning and Development  
Division  
Len King, Building Commissioner  
Doug Lobo, Commissioner of Public Works and Traffic  
Hazel Milsome, Public Works and Traffic  
Kevin Nutley, Real Estate Division  
Tina Agnello, Secretary

**PUBLIC MEETINGS – 9:30 O'CLOCK A.M.**

1. **Zoning Application 99-16, by Mark Pellinini, prospective owner, for a change in zoning from "HH" District to "C" District for lands located at the north west corner of Upper James Street and Limeridge Road West (formerly 1078 Upper James Street). (PDC99038)**

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Rick Cutler, agent, was present and stated that the conditions being imposed are onerous because it is an infill situation only.

Mr. Cutler distributed a copy of "Monitoring Well Installation" report prepared by Golder Associates Ltd., which has been submitted to the Regional Municipality of Hamilton Wentworth.

Paul Mallard advised that the conditions are standard and are the same which is always requested by the Region.

Mr. Paparella advised that the requirement for a noise assessment will give options regarding what will be required.

Following discussion the Committee approved the recommendation of the General Manager, Community Planning and Development Division in a report dated July 21, 1999 as amended in subsection (b)(i) and recommended to Council as follows:

- (a) That approval be given to Zoning Application ZAR-99-16, by Mark Pillinini, owner, for a change in zoning from "HH" (Restricted Community Shopping and Commercial) District to "C" (Urban Protected Residential, etc.) District, to permit the development of a single family dwelling in conjunction with adjacent lands to the west, for lands located at the north-west corner of Upper James Street and Limeridge Road (formerly known as 1078 Upper James Street), as shown on the attached map marked as APPENDIX "A", on the following basis:
  - (i) That the subject lands be rezoned from "HH" (Restricted Community Shopping and Commercial) District to "C" (Urban Protected Residential, etc.) District; and,
  - (ii) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, be further amended only to the extent of the following special requirement:
    - (a) access to the subject lands shall only be provided from Limeridge Road West; and,
  - (iii) That the amending By-law be added to Section 19 of Zoning By-law No. 6593, as Section S-1430, and that the subject lands on Zoning District Map W-9A be notated S-1430; and,
  - (iv) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9A for presentation to Council; and,
  - (v) That upon approval of the Zoning By-law Amendment, the Yeoville Neighbourhood Plan be amended to redesignate the subject lands and the adjacent lands to the west, from "Commercial" to "Residential"; and,
  - (vi) The proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (b) That the amending by-law not be forwarded to City Council for approval until the applicant has:
  - (i) submitted a signed Record of Site Condition (RSC) to the Region and Ministry of Environment (MOE), to the satisfaction of the Region and the MOE, including an acknowledgement of the receipt of the RSC by the MOE, or sufficient information is provided that satisfies the equivalent requirement for an RSC; and,
  - (ii) submitted a noise assessment study to the Region investigating noise levels impacting the proposed development and recommending noise control measures (if applicable), with said study and noise control measures to the satisfaction of the Region; and,

- (iii) agreed to include in an agreement of purchase and sale, and register on title the following noise warning clause for the subject lands, if recommended in the noise assessment study, or at the request of the Region:

"Purchasers are advised that despite the inclusion of noise control measures within the development area and within the individual building unit, noise levels may become of concern, occasionally interfering with some activities of the occupants."

**2. Zoning Application 99-14, by H. & R. Wein Construction Inc., owner, for a change in zoning from "D" District to "DE" District, modified for property located at 54 and 56 Alanson Street. (PDC99045)**

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Submissions : (a) Anne McVittie, 60 Alanson Street, Hamilton  
(b) Brenda Mitchell, Stinson Community Association, 38 Alanson Street, Hamilton

Paul Mallard advised that the purpose of the application is to convert the building to 6 condominium units. The building is listed by LACAC. The outstanding concern is parking. 4 spaced are being provided whereas the bylaw requires 8.

Of 102 notices circulated, 7 replied in favour and 7 opposed.

Mr. Mokrycke, agent on behalf of the applicant advised that 7 spaced can be accommodated on site but they would not meet the size requirements as indicated under the City By-laws.

Mr. McVittie of 60 Alanson Street was concerned over the lack of parking and felt that this approval will contribute to the parking problems.

Brenda Mitchell of 38 Alanson Street concurred and stated that the appropriate amount of parking spaces should be required.

Ed Switinky advised that realistically cars will be unable to park in the driveway are when there is snow.

Alderman Horwath suggested that staff conduct an appropriate review of these types of conversions since the City is encouraging residential development in the downtown core.

Alderman Charters advised that as part of the "open for Business" policy the City is taking initiatives to remove the requirement for parking in the downtown core altogether and that as such the staff recommendation should be approved.

Following discussion the Committee approved the recommendation of the General Manager, Community Planning and Development Division dated July 23, 199 as amended to require that 7 parking spaces be provided on site and recommended to Council as follows:

That approval be given to amended Zoning Application 99-14, H.&R. Wein Construction, prospective owner, requesting a modification to the established "D" (Urban Protected Residential – One and Two Family Dwellings, etc) District, to permit six (6) residential dwelling units within the existing building, for the property located at 54 and 56 Alanson Street, as shown on the attached map marked as APPENDIX "B", on the following basis:



- (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the lands until:
  - (i) The applicant submits a signed Record of Site Condition (RSC) to the Region and Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment and Energy; and,
  - (ii) Completion by a qualified consultant of a noise/vibration assessment study investigating noise/vibration levels impacting the proposed development and recommending noise/vibration control measures (if applicable), with study and noise/vibration control measures being to the satisfaction of the Region.

City Council may remove the 'H' symbol, and thereby give effect to the "D" District provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled; and,

- (b) That the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District regulations, as contained in Section 10. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
  - (i) That notwithstanding Section 10. of Zoning By-law No. 6593, a multiple dwelling containing a maximum of six (6) dwelling units, subject to the Residential Conversion Requirements of Section 19. (1) shall be permitted only within the building, existing on the day of passing of this by-law; and,
  - (ii) That notwithstanding Section 18.(3)(vi)(d) of Zoning By-law No. 6593, a front yard setback of 0.29 m minimum shall be provided and maintained for the front porch; and,
  - (iii) That notwithstanding Section 18A. of Zoning By-law No. 6593, a parking area with provision for seven (7) cars shall be provided and maintained on the lot; and,
  - (iv) That Section 18A.(1)(c) of Zoning By-law No. 6593, shall not apply; and,
  - (v) That a minimum landscape area of 33.0 m<sup>2</sup> at grade (5.35% of the lot area) shall be provided and maintained on the lot; and,
- (c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1431, and that the subject lands on Zoning District Map E-14 be notated as S-1431; and,
- (d) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-14 for presentation to City Council; and,
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. **Zoning Application 99-17, by Robert Shelley Construction Ltd., owner, for a change in zoning from "AA" District to "C" District (Blocks "1" and "2") for property located north of Rymal Road East fronting on Eaglewood Drive. (PDC99044)**

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

As recommended by the General Manager, Community Planning and Development Division in a report dated July 20, 1999 the Committee recommended to Council as follows:

That approval be given to Zoning Application 99-17, Robert Shelley Construction Ltd., owner, requesting changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Blocks "1" and "2", for property located north of Rymal Road East fronting on Eaglewood Drive, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
- (b) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
- (c) That the Director, Land Development Department, Community Planning and Development Division be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

**PUBLIC MEETINGS - 9:45 O'CLOCK A.M.**

4. **Zoning Application 99-21, by Paul Silvestri, owner, for a change in zoning from "AA" District to "R-4" District, for lands located at the north-west corner of Rymal Road East and Upper Wellington Street, fronting onto the future extension of Marilyn Court. (PDC99047)**

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

As recommended by the General Manager, Community Planning and Development Division in a report dated July 20, 1999 the Committee recommended to Council as follows:

That approval be given to Zoning Application ZAC-99-21, Paul Silvestri, owner, for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District, to permit the use of the subject lands for small lot single family residential uses, for lands located at the north-west corner of Rymal Road East and Upper Wellington Street, fronting onto the future extension of Marilyn Court, as shown on the attached map marked as APPENDIX "D", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District; and,

- (b) That the General Manager, Community Planning and Development Division be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**5. Zoning Application 99-20, by Carol Fazzari, owner, for a change in zoning from "C" District to "HH" District, modified, for lands located at 1359 Upper James St. (PDC99039)**

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Alderman Kelly requested and the Committee concurred that the matter be tabled to the next regular meeting of the Planning and Development Committee.

Marilyn Smith was present and requested to be notified of the meeting.

**6. City Initiative 99-C, Proposed Official Plan Amendment for lands located at Nos. 505 to 537 Queenston Road and modifications in zoning for lands located at 509 and 531 Queenston Road. (PDC99036)**

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Submission: (a) Anthony DeSantis Jr., 8 Main Street East, Suite 202, Hamilton

Christine Lee Morrison stated that the City Initiative is as a result of a land use review conducted in May of 1999.

Of 50 notices circulated, 11 replied in favour and 2 opposed.

Dr. Falletta of 531 Queenston road was present. He asked about the road widening and the site plan to which Christine Lee Morrison replied that the widening is many years away and the site plan will determine the location of the fence and vegetation requirements.

As recommended by the General Manager, Community Planning and Development Division in a report dated July 19, 1999 the Committee recommended to Council as follows:

A. That Approval be given to Official Plan Amendment No. 162, to establish a "Special Policy Area" to permit limited commercial uses within the existing buildings, for lands located at Nos. 505 to 537 Queenston Road, as shown on the attached map marked as Appendix "E", as follows:

- (a) In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, limited commercial uses will be permitted within the existing buildings, provided the following criteria are met:
  - (i) Commercial uses will be restricted to low impact type uses, such as offices, service uses and small scale retail uses. High traffic generating uses and highway type commercial uses,



such as restaurants, billiard halls, automotive uses and service stations, will not be permitted; and,

- (ii) Appropriate buffering will be provided between commercial uses and adjacent residential uses to mitigate potential adverse impacts, such as negative visual impacts, reduced privacy, increased noise, and light from parking areas. In this regard, measures such as setbacks, landscape strips and visual barriers may be used; and,
  - (iii) The low profile character of the area will be maintained. Accordingly, streetscape features and enhancements consistent with the residential character of the area will be provided, including the provision of landscaping along Queenston Road and Woodman Drive, and the preservation of existing vegetation. Also, alterations to building facades will be limited and business identification signs will be restricted; and,
  - (iv) Enlargements or additions to the existing buildings may be permitted only if they are in keeping with the established built form and residential character of the area; and,
  - (v) Sufficient parking and maneuvering spaces are to be provided on-site for commercial and residential components; and,
- (b) "Special Policy Area 79", which permits a naturopathic office within the existing building at No. 537 Queenston Road, will be deleted and the lands incorporated into the new "Special Policy Area" as noted above; and,
  - (c) That the General Manager of Community Planning and Development be authorized and directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth, in a form satisfactory to Corporate Counsel; and,
- B. That the Approved Kentley Neighbourhood Plan be modified by redesignating lands from "Low Density Apartments" to "Single and Double Residential and Commercial Conversions" and by adding a note that states: "Commercial Conversions at 505 to 537 Queenston Road are subject to Design Guidelines as Approved by Council"; and,
  - C. That the Urban Design Guidelines attached as Appendix "F" be adopted for the subject lands; and,
  - D. That Approval be given to City Initiative 99-C, for modifications to the established "B-1" (Suburban Agriculture and Residential, etc.) District regulations, to permit a denture clinic for the lands located at No. 509 Queenston Road (Block "1") and to permit a medical office for the lands located at No. 531 Queenston Road (Block "2"), shown as Blocks "1" and "2" on the attached map marked as APPENDIX "E", on the following basis:
    - (a) That the "B-1" (Suburban Agriculture and Residential, etc.) District regulations, as contained in Section 8A of Zoning By-law No. 6593, applicable to Block "1" (No. 509 Queenston Road), be modified to include the following variances as special requirements:
      - (i) That notwithstanding Section 8A(1) of Zoning By-law 6593, the following additional uses shall be permitted:

1. A denture clinic on the ground floor of the existing building only.
  2. One ground sign that shall not exceed 0.8 m in vertical dimension or 0.6 m<sup>2</sup> in area and shall not be illuminated unless the source of light is steady and suitably shielded to contain illumination.
  3. One wall sign that shall not exceed an area of 1.2 m<sup>2</sup> and shall not be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,
- (ii) Notwithstanding Section 8A.(3)(i), a ground sign may be setback 0.0 m from the front lot line; and,
  - (iii) Sections 18A(11) and 18A(12) of Zoning By-law 6593 shall not apply ; and,
  - (iv) Section 18A(14g) Zoning By-law 6593 shall not apply; and,
  - (v) Section 18A(26) of Zoning By-law 6593 shall not apply; and,
  - (vi) That a landscaped planting strip of not less than 1.5 m in width shall be provided and maintained along the southerly lot line, adjacent to Queenston Road, except any area used for vehicular access, only where an encroachment agreement for landscaping has not been entered into with the Region of Hamilton-Wentworth, for a minimum 1.5 m wide landscaped planting strip within the widened road allowance limits of Queenston Road; and,
  - (vii) That a visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire northerly lot line and along the easterly lot line, commencing at the northerly lot line, southerly for a distance of at least 26 m; and,
- (b) That the "B-1" (Suburban Agriculture and Residential, etc.) District regulations, as contained in Section 8A of Zoning By-law No. 6593, applicable to Block "2" (No. 531 Queenston Road), be modified to include the following variances as special requirements:
- (i) That notwithstanding Section 8A(1) of Zoning By-law 6593, the following additional uses shall be permitted:
    1. A medical office on the ground floor of the existing building only.
    2. One ground sign that shall not exceed 1.7 m in vertical dimension or 0.7 m<sup>2</sup> in area and shall not be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,
  - (ii) Notwithstanding Section 8A.(3)(i), a ground sign may be setback 0.0 m from the front lot line; and,
  - (iii) Sections 18A(11) and 18A(12) of Zoning By-law 6593 shall not apply; and,
  - (iv) That a landscaped planting strip of an average width of 1.0 m, but not less than 0.9 m, shall be provided and maintained

along the northerly lot line, commencing at the easterly lot line for a distance of at least 8 m westerly; and,

- (v) That a visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire northerly lot line; and,
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Section S-1432, and that the subject lands on Zoning District Map E-95 be notated S-1432; and,
- (d) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-95 for presentation to City Council; and,
- (e) That the proposed modifications in zoning will be in conformity with the Official Plan for the City of Hamilton Planning Area upon approval of Official Plan Amendment No. 162 by the Regional Municipality of Hamilton Wentworth; and,
- E. That the implementing Zoning By-law be held in abeyance until the applicants/owners have received Site Plan approval and entered into Site Plan agreements with the City of Hamilton; and,
- F. That Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be amended by adding Nos. 509 and 531 Queenston Road to Schedule "A".

#### **PUBLIC MEETINGS – 10:00 O'CLOCK A.M.**

7. **Zoning Application 99-19, by Extendicare Inc., prospective owner, for a further modification to the established "DE-3" – "H" District, to permit the use of the subject lands for nursing home for lands located west of Chedmac Drive. (PDC99046)**

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

As recommended by the General Manager, Community Planning and Development Division in a report dated July 22, 1999 the Committee recommended to Council as follows:

- A.(a) That approval be given to Official Plan Amendment No. to redesignate the subject lands from "Residential" to "Major Institutional" to permit a nursing home for lands located on Chedmac Drive, as shown on the attached map marked as Appendix "G", on the following basis:
- (i) That the subject lands be redesignated from "Residential" to "Institutional" on Schedule A of the Official Plan; and,
  - (ii) That the subject lands be redesignated from "Medium Density Residential" to "Major Institutional" on "Chedmac Secondary Plan Schedule J-1"; and,
  - (iii) That Subsection A.6.1.2. i) (5), respecting Medium Density II residential development, be deleted in its entirety; and,
  - (iv) That Subsection A.6.1.2 ii) be deleted in its entirety and replaced with the following:



"ii) It is intended that Chedoke-McMaster Hospitals be recognized as a valuable Community and Regional Health facility. In addition, other institutional uses, including the Twin Pad Arena and the nursing home located on the south side of Chedmac Drive, provide community services to the Neighbourhood and Community. Lands designated "Institutional" shall be developed in accordance with the attached Schedule "J-1" – Chedmac Planning Area Secondary Plan, Subsection A.2.6 – Major Institutional Uses of this Plan, and the following policies:

- a) New Major Institutional health related facilities shall be designed to facilitate a comprehensive campus-like setting.
- b) New Major Institutional recreational facilities shall be designed in a comprehensive manner with existing recreations facilities.
- c) The development of any new institutional facilities, including those associated with Chedoke-McMaster Hospitals, shall be designed to mitigate any negative impact on adjacent residential development.
- d) A nursing home located on the south side of Chedmac Drive shall have a maximum capacity of 160 residents."; and,

(v) That Subsection A.6.1.2.iv)f) be revised by replacing the phrase "townhouse/apartment" with "townhouse"; and,

(b) That the Corporate Counsel be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

B. That approval be given to Zoning Application ZAC-99-19, Extendacare Inc., prospective owner, for a further modification to the established "DE-3" – 'H' (Multiple Dwellings- Holding) District, to permit the use of the subject lands for a nursing home for lands located west of Chedmac Drive, as shown on the attached map marked as APPENDIX "G", on the following basis:

(a) That the subject lands be rezoned from "DE-3" – 'H' (Multiple Dwellings – Holding) District to "DE-3" (Multiple Dwellings) District; and,

(b) That Subsection 3. of Zoning By-law No. 96-152, be repealed in its entirety and replaced with the following:

"The "DE-3" (Multiple Dwellings) District provisions, as contained in Section 10C. of Zoning By-law No. 6593, applicable to the lands comprised in Block 4 are amended to the extent only of the special requirement that,

(i) notwithstanding Section 10.C.(1) of Zoning By-law No. 6593, only the following use shall be permitted:

a nursing home having a maximum capacity of 160 residents, in a building of not greater than 2 storeys in height; and,

(ii) in addition to the permitted use specified in Section 3.(a)(i) of this by-law, an amenity centre of not less than 500 square metres,

accessory to the residential use specified in Section 3.(a)(i) of the by-law, shall be required; and,

for the purposes of this by-law, "Amenity Centre" shall include one or more of the following uses:

1. Administrative offices;
2. Chapel;
3. Library;
4. Activity and Exercise rooms;
5. Lounges;
6. Dining Room;
7. Variety Store;
8. Hairdresser;
9. Barber shop; and,

(iii) for a nursing home permitted in Section 3.(a)(i) of this by-law, one ground sign shall be permitted subject to the following requirements:

1. No sign shall exceed 1.8 metres in height; and,
2. The total aggregate area of the ground sign shall not exceed 5.8 square metres; and,
3. The ground sign shall be located not less than 2.0 m from any lot line; and,
4. No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination"; and,

- (c) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-36 and W-37 for presentation to City Council; and,
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1363a, and that the subject lands on Zoning District Map W-36 and W-37 be notated as S-1363a; and,
- (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No. 164 by the Region of Hamilton-Wentworth; and,
- (f) That upon finalization of the implementing Zoning By-law, the approved Mountivew Neighbourhood Plan be amended to redesignate the subject lands from "Medium Density Apartments" Residential to "Civic and Institutional".

**8. Zoning Application 99-23, by Hamilton-Burlington & District Real Estate Board, owner, for a change in zoning from "L-mr-2" District, modified (Block "1") and "L-mr-2" District (Block "2") to "G-3" District, for lands located at 39-41 Devonport Street. (PDC99040)**

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Submission: (a) Alan Parkins, 50 Jones Street, Hamilton

As recommended by the General Manager, Community Planning and Development Division in a report dated July 23, 1999 the Committee recommended to Council as follows:

- A. That approval be given to Official Plan Amendment No. 163 to establish a Special Policy Area to permit a parking lot in a Residential designation, on lands known municipally as 39-41 Devonport Street, as shown on the attached map marked as APPENDIX "H", and that the Corporate Counsel be directed to prepare a By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
- B. That approval be given Zoning Application ZAC-99-23, by Hamilton-Burlington & District Real Estate Board, owner, for a change in zoning from "L-mr-2" (Planned Development – Multiple Residential) District, modified (Block "1") and "L-mr-2" (Planned Development – Multiple Residential) District (Block "2") to "G-3" (Public Parking Lots) District, to permit the expansion of an existing parking lot, for lands located at 39-41 Devonport Street, as shown on the attached map marked as APPENDIX "I" on the following basis:
  - (a) That Section 17B(6)(a)(iii) of Zoning By-law No. 6593 shall not apply; and,
  - (b) That Block "1" be rezoned from "L-mr-2" (Planned Development – Multiple Residential) District, modified to "G-3" (Public Parking Lots) District; and,
  - (c) That Block "2" be rezoned from "L-mr-2" (Planned Development – Multiple Residential) District to "G-3" (Public Parking Lots) District; and,
  - (d) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to Block "1" be modified to include the following variances as special requirements:
    - (i) That Section 13C(4)(ii) shall not apply to the southerly lot I line; and,
    - (ii) That notwithstanding Section 18A(1)(f) and TABLE 6, manoeuvring space with an aisle width of not less than 5.0 m shall be provided and maintained; and,
    - (iii) That notwithstanding Section 18A (7), a parking space width of not less than 2.6 m shall be provided and maintained; and,
  - (e) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S-717d, and that the subject lands on Zoning District Map W-11 be notated as S-717d; and,
  - (f) That the Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council; and,
  - (g) That the proposed change and modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No. 163 by the Region of Hamilton-Wentworth; and,



- (h) That upon finalization of the Zoning By-law, the approved Strathcona Neighbourhood Plan be modified to add the note "Commercial uses shall be restricted to a public parking area".

**9. Neighbourhood Plan Amendment – East Mountain Industrial Business Park. (PDC99041)**

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Mr. Fred Fayber of 655 Pritchard Road was present on behalf of himself and his father. He is opposed to the deletion of the cul-de-sac which was previously negotiated.

Mr. Riaz-Kurd of 601 Pritchard Road stated concern over the land drainage. He requested that sewers should be installed prior to allowing development. He presently has problems with water in his basement.

Alderman Charters on behalf of Alderman Jackson requested that the matter be tabled in order to resolve the concerns.

The Committee resolved that the matter be tabled.

**10. Amendment to the Downtown Hamilton Community Improvement Plan to Authorize a "Tax Incentive Program for Designated Heritage Buildings within the Downtown Core". (PWT99031)**

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Hazel Milsome advised that the staff has been made aware that the program can be implemented under the Ontario Heritage Act and as such recommended that the matter be deferred to item later in the agenda in order that it can be dealt with concurrently with those similar recommendations.

The Committee resolved to defer the matter later in the meeting.

**PUBLIC MEETINGS – 10:15 O'CLOCK A.M.**

**11. City Initiative 96-I, Zoning By-Law Amendment – Elimination of Residential Parking and Loading requirements in the Downtown. (PDC99042)**

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Alderman Eisenberger agreed in the philosophy of the proposal but suggested the time frame be reduced.

Alderman Charters felt strongly that something must be done to encourage apartments in the downtown core and if these initiatives are not approved that will not happen.

Alderman Kelly concurred.

As recommended by the General Manager, Community Planning and Development Division in a report dated July 9, 1999 the Committee recommended to Council as follows:

That approval be given to City Initiative 96-I to extend the time period for the elimination of the residential parking and loading requirements until September 1, 2002, except for residential care facilities and short term care facilities, in the downtown area, as shown on the attached map marked as APPENDIX "I", on the following basis:

- (a) That the requirements, as contained in Section 18A of Zoning By-law No. 6593, as modified by By-law No. 97-015, be further amended to extend the time period for the elimination of the residential parking and loading requirements in the downtown area, as shown on Schedule "K" of Zoning By-law No. 6593 as follows:

That Section 18A.(42) be amended by deleting the words *November 1, 1996 and September 1, 1999* at the end of the clause and replacing them with *September 1, 1999 and September 1, 2002* so the entire clause reads as follows:

"Except for residential care facilities and short term care facilities, where residential uses mentioned on paragraph 1 in Table 1 and Table 3 are located in the area shown on Schedule "K", no parking and loading will be required for residential uses established within the period between *September 1, 1999 and September 1, 2002.*"; and,

- (b) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- (c) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Alderman Eisenberger requested and the Committee concurred that staff be directed to report back on the impacts of the initiative at the end of the year 2000.

## 12. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT

- (a) **Amendments to the Tax Incentive Program for Designated Heritage Buildings in the Downtown Core**

-and-

- (b) **Tax Incentive Program for Designated Heritage Buildings- Lister Block Application**

The General Manager, Community Planning and Development Division advised that these initiatives can be implemented through the Ontario Heritage Act. She suggested that the City also request a heritage easement which will come before City Council at a later date.

As recommended by the General Manager, Community Planning and Development Division in a report dated August 5, 1999 the Committee recommended to Council as follows:

That Council's approval of the Tax Incentive Program for Designated Heritage Buildings in the Downtown passed on 1999 April 13 (9<sup>th</sup> Report, Planning and Development Committee, item 5) be amended as follows:

- (a) Reference to the proposed amendment to the Downtown Hamilton Community Improvement Plan authorized by Council on 1999 April 13 be deleted; and,
- (b) That the provision of grants for the Tax Incentive Program be authorized pursuant to the provisions of the Ontario Heritage Act, Part IV, Section 39; and,
- (c) That the General Manager, Community Planning & Development Division be directed to circulate notice of this Program to the owners of the eligible designated historic properties; and,
- (d) That the requirement for the applicant to sign a Heritage Conservation Easement for rebates (grants) over \$15,000. be added to the Tax Incentive Program—Eligibility Criteria.

As recommended by the General Manager, Community Planning and Development Division in a report dated August 5, 1999 the Committee recommended to Council as follows:

That Council's approval of a grant towards the restoration costs of the designated historic Lister Block building passed on 1999 June 29 (item 26, 13th Report, Planning & Development Committee) be amended as follows:

- (a) Deletion of the condition that the proposed grant is conditional upon enactment of a by-law to amend the Downtown Hamilton Community Improvement Plan; and,
- (b) Adding to the said June 29 resolution the following provision: "This proposed grant is made pursuant to the Ontario Heritage Act and the "Tax Incentive Program" adopted by Council on 1999 August 11."; and,
- (c) Adding to the said June 29 resolution the following condition: "Prior to the payment of any portion of the rebate (grant), the owner of the Lister Block building shall have prepared, registered and dedicated to the City a Heritage Conservation Easement in the City's standard form."

Re: Item 10 - **Amendment to the Downtown Hamilton Community Improvement Plan to Authorize a "Tax Incentive Program for Designated Heritage Buildings within the Downtown Core". (PWT99031)**. The Committee resolved to receive and take no action on the report of the General Manager, Community Planning and Development Division dated July 16, 1999.

**(c) Open for Business Policy (PDC99037)**

A resolution was passed to amend the recommendation to delete Residential Care and Short Term Care Facilities from the Open for Business policy areas.

Subsequently, the Committee approved the recommendation of the General Manager, Community Planning and Development Division dated July 27, 1999 as amended and recommended to Council as follows:

- (a) That the current "Open for Business" Policy as adopted by Council be continued for a further period of three years, to August 31, 2002; and,



- (b) That the rebate for parkland dedication under this Policy be refunded to the Reserve for Parkland from the general tax levy; and,
- (c) That the Open for Business Policy be expanded to the Central Area (bounded by Queen Street, the Escarpment, Victoria Avenue, and Hamilton Harbour) for residential development only, with the exception of Residential Care Facilities and Short Term Care Facilities, in accordance with Recommendations 1 and 2 above; and,
- (d) That staff be directed to prepare a Community Improvement Plan for the residential expansion area, in accordance with Recommendation 3 above; and,
- (e) That Corporate Counsel be authorized and directed to prepare the appropriate by-law for presentation to City Council.

The General Manager, Community Planning and Development Division noted that there had been a request from an individual to appear before the Committee but since reading the report he was satisfied that his property would be included in the expanded Open for Business area. The amendment approved may be of concern to this person.

The Committee determined that any individual has the opportunity to come before the Committee regarding their property to request relief from fees.

**(d) Request for Reduction in Security Requirements, under site Plan Control -1800 King Street East (PDC99054)**

Guy Paparella advised the Committee that the figures in the recommendation have changed since the report was written.

Following discussion the Committee approved the recommendation of the General Manager, Community Planning and Development Division as amended and recommended to Council as follows:

That the request for a reduction in the Security Requirements to \$30,000.00 whereas \$33,100 is required under Site Plan Control DA-99-22, by Jadwiga Weiss, owner of lands at 1800 King Street East for a seventeen (17) person senior citizen residential care facility within the existing building (former Hamilton Star Temple), as shown on the attached map marked as Appendix "J", be denied.

**13. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

**Bellevue, 14 Belvidere Avenue – Building Permit Regulations**

As recommended by the Secretary of the Local Architectural Conservation Advisory Committee in a report dated July 28, 1999 the Committee recommended to Council as follows:

That the Municipal Clerk provide the owner of 14 Belvidere Avenue, by registered mail, a copy of Bill Pr140, An Act respecting the City of Hamilton, which prescribes the time period for the owner to substantially complete the new building to be erected on the site within two years of the commencement of the demolition or removal of the existing designated building (Bellevue).

**14. MCMASTER UNIVERSITY AREA NIEGHBORHOOD TASK FORCE****Phase 1 Implementation of the Final Report (MTF99002)**

As recommended by the McMaster University Area Neighbourhood Task Force in a report dated July 29, 1999 the Committee recommended to Council as follows:

- (a) That the Building Department and Legal Services Division be authorized and directed to prepare amendments to the Property Standards By-law to incorporate specific requirements for the maintenance of housing occupied by students; and,
- (b) That the Building Department and the Transportation, Operations and Environment Division be directed to improve the efficiency of the collection of unpaid parking, property standards, and noise fines; and,
- (c) That the Building Department be authorized and directed to implement a ticket system under the Provincial Offences Act for violation of the Property Standards By-law and the by-law for Maintaining Land in a Clean and Clear Condition; and,
- (d) That the Building Department be directed to implement a policy of a 6 to 12 month delay for final inspection of approved building permits to ascertain use and occupancy; and,
- (e) That City Council submit a letter to the Premier of Ontario requesting increased funding for on campus student housing; and,
- (f) That City Council request that Hamilton Non-Profit Housing investigate providing affordable off campus housing in partnership with private developers, McMaster University and the McMaster Student Union; and,
- (g) That the Building Department and Fire Department be authorized to provide free inspections to owners of student houses to ensure compliance with fire codes and property standards by-law for a trial period of one year; and,
- (h) That City Council request Regional Council to develop a bicycle path corridor in an east/west direction from either side of the University campus; and,
- (i) That the Community Planning and Development Division and the Transportation, Operations and Environment Division, in partnership with the Off Campus Housing Office, McMaster University, develop a brochure for student housing landlords detailing responsibilities, parking requirements and property standards expectations; and,
- (j) That staff from the Community Planning and Development Division be directed to set up a forum with other university cities in early 2000 to discuss current developments and solutions regarding student housing; and,
- (k) That Community Planning and Development Division staff be authorized to meet twice yearly with members of McMaster University's Presidents Advisory Committee on Community Relations to assess current conditions and discuss new developments; and,
- (l) That the Building Department be authorized and directed to initiate proactive enforcement of Property Standards, Zoning by-laws and other maintenance by-laws in the McMaster University area for the first 3 weeks of September 1999. Total cost not to exceed \$15,000.

**15. CONSENT AGENDA****A. ADOPTION OF THE MINUTES****Minutes of the meeting held June 23, 1999**

The Minutes of the meeting held June 23, 1999 were approved as circulated.

The following recommendations were forwarded to Council for approval:

**B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC****(i) Barton Village Business Improvement Area – Revised Board of Management (PWT99027) dated July 6, 1999:**

That the following individual be appointed to the Barton Village B.I.A.'s Board of Management:

|                 |   |
|-----------------|---|
| James Sackville | 594 Barton Street East<br>(Truscott Brothers Funeral Homes) |
|-----------------|---|

**(ii) King Street West Community Improvement Project Area and Community Improvement Plan (PWT99030) dated July 13, 1999:**

- a) That the King Street West Community Improvement Project Area be designated as outlined in Appendix 'K'; and,
- b) That the King Street West Community Improvement Plan attached as Appendix 'B' be adopted in order to implement the City of Hamilton's Commercial Property Improvement Loan Program within the King Street West Community Improvement Project Area; and,
- c) That Public Works and Traffic Department's staff be authorized to take the steps required to give Public Notice of the Community Improvement Plan and to arrange the Public Meeting to be held with the Planning and Development Committee in accordance with the requirements of the Planning Act for adopting a Community Improvement Plan; and,
- d) That the Director of Legal Services and Corporate Counsel be directed to prepare a by-law for presentation to City Council to adopt the King Street West Community Improvement Project Area.

**C. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT****(i) Part Lot Control Application 99-02, "Tiffany, Phase 3". (PDC99048) dated July 22, 1999:**

- (a) That approval be given to Part Lot Control Application 99-02, Chedoke Health Corporation, owner, to remove part-lot control for Lots 1 – 12, inclusive and Lots 61 – 71, inclusive, located in "Tiffany, Phase 3", Registered Plan 62M-884, for lands fronting onto Hepburn Crescent, for the purpose of



establishing maintenance easements, as shown on the attached map marked as Appendix "L"; and,

- (b) That the appropriate by-law, to remove part lot control from Lots 1 – 12, inclusive and Lots 61 – 71, inclusive, located in "Tiffany, Phase 3", Registered Plan 62M-884, be enacted by Council; and,
- (c) That the exempting by-law be restricted to a 1 year effective time period to expire on September 1, 2000; and,
- (d) That following the enactment of this by-law, the Director, Land Development Department, Community Planning and Development Division (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

**(ii) Part Lot Control Application 99-08, "Bow Valley Estates" (PDC99049) dated July 22, 1999:**

- (a) That approval be given to Part Lot Control Application 99-08, Vedemo Construction Ltd., owner, to remove part-lot control for Lots 1 – 5, inclusive, Lots 7 - 10, inclusive, Lots 12 -13, inclusive, Lots 15 - 19, inclusive and Lots 22 – 32, inclusive, located in "Bow Valley Estates", Registered Plan 62M-875, for lands fronting onto Bow Valley Drive, for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "M"; and,
- (b) That the appropriate by-law, to remove part lot control from Lots 1 – 5, inclusive, Lots 7 - 10, inclusive, Lots 12 -13, inclusive, Lots 15 - 19, inclusive and Lots 22 – 32, inclusive, located in "Bow Valley Estates", Registered Plan 62M-875, be enacted by Council; and,
- (c) That the exempting by-law be restricted to a 1 year effective time period to expire on September 1, 2000; and,
- (d) That following the enactment of this by-law, the Director, Land Development Department, Community Planning and Development Division (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

**(iii) Site Plan DA-97-11, 15 Wentworth Street North and 488 King William Street (PDC99050) dated July 22, 1999:**

That approval be given to the request by 744457 Ontario Inc. (Ron VanKleef), owner, at 15 Wentworth Street North and 488 King William Street, as shown on the attached map marked as Appendix "N", for an extension to the approval of Site Plan Control Application DA-97-11 to September 1, 2000, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

- (iv) **Authorization for Staff Attendance at an Ontario Municipal Board Hearing – No. 49 Royal Avenue (PDC99051) dated July 26, 1999:**

That the appropriate staff (e.g. Law, Land Development Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-99:112, respecting the property located at No. 49 Royal Avenue, as shown on attached map marked as APPENDIX "O".

**D. GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION**

- (i) **Core Heritage 2000 Program, 44 Hughson Street North and 43-45 King William Street July 26, 1999:**

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of \$19,795 to Inmar Co. Ltd., registered owner of 44 Hughson Street North and 43-45 King William Street, be approved.

- (ii) **Core Heritage 2000 Program, 37-39 King William Street July 26, 1999:**

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of \$12,840 to Jacqueline Bradley, registered owner of 37-39 King William Street, be approved.

- (iii) **Core Heritage 2000 Program, 164½ King Street East July 26, 1999:**

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of \$12,035 to Paul Roth, registered owner of 164½ King Street East, be approved.

- (iv) **Commercial Property Improvement Loan Program, 164½ King Street East July 26, 1999:**

That a Commercial Property Improvement Loan in the amount of nine thousand, nine hundred and twenty dollars (\$9,920) to Paul Roth for improvements to 164½ King Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program.

**E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

**Information Items**

The Committee approved the previously received information items as follows:

- (a) Commissioner, Public Works and Traffic Department re: Business Improvement Areas- Excellence in Property Awards, dated June 10, 1999.

- (b) Secretary LACAC re: Minutes of LACAC Meeting of May 10, 1999 dated June 21, 1999.
- (c) Secretary LACAC re: Minutes of LACAC Meeting of June 14 and June 21, 1999 dated July 12, 1999.
- (d) Hon. N. Sterling, Minister of the Environment re: Plastimet Cleanup dated June 17, 1999.
- (e) Region of Hamilton Wentworth Resolution re: Proposed Niagara Escarpment Plan Amendment – Home Businesses dated July 16, 1999.
- (f) L. Coveyduck, General Manager, Community Planning and Development Division re: Approved Site Plan Control Applications dated July 22, 1999.
- (g) L. Coveyduck, General Manager, Community Planning and Development Division re: 195 Ferguson Avenue North – Implementation of the Wesley OMB Decision, dated July 19, 1999.

#### 16. OTHER BUSINESS

Alderman Haining noted that a child was recently hurt at a derelict building within the City. He stated that the City presently spends money on these buildings in an attempt to secure them and that this money is almost never recovered.

Alderman Haining requested and the Committee concurred that staff conduct a review of derelict buildings including the present procedure used in securing them and the possibility of the City demolishing, greening and fencing the property with the intention to sell. This report is to include potential legal, environmental and financial ramifications.

The Committee noted that the City will not take ownership of these properties.

#### 17. PRIVATE AND CONFIDENTIAL AGENDA

The Committee adjourned into closed session to discuss property matters and reconvened immediately thereafter with the following report:

##### A. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT

Intent to Exchange the Auchmar Property (88 Fennell Avenue West) for the Albion Mills Draft Plan of Subdivision property (Mt. Albion Road and Mudd Street)

Submissions were received from the following:

- (a) Bill King, Southam Area Association
- (b) Verna Caskey
- (c) Heritage Hamilton Foundation
- (d) Architectural Conservancy of Ontario
- (e) Hamilton Historical Board

As recommended by the General Manager, Community Planning and Development Division in a report dated July 9, 1999 the Committee recommended to Council as follows:



Property Exchange- Auchmar (88 Fennell Avenue West) for Albion Mills Draft Plan of Subdivision (Mt. Albion Road and Mudd Street)

- A. (a) That The Corporation of the City of Hamilton enter into an Agreement of Purchase and Sale for a land exchange with A. DeSantis Developments Ltd., and V & R Investments Inc. ("DeSantis") for the purchase by the City of Part of Lot 15, Concession 4, formerly in the Geographic Township of Barton, now in the City of Hamilton, Regional Municipality of Hamilton-Wentworth, as in Instrument No. NS112274, saving and excepting as in Instrument No. HL152296, being the whole of the PIN, known municipally as 88 Fennell Ave., West, Hamilton, ("Auchmar lands") and the sale by the City of the Albion Mills draft plan subdivision located at Mount Albion Road and Mud Street; and,
- (b) That it be understood and agreed that the Agreement of Purchase and Sale contain the following terms and conditions:
- (i) The Agreement of Purchase and Sale is conditional upon the City having an opportunity to review, and be satisfied with, the terms and conditions of the Lease Agreement between DeSantis and The Sisters of Social Services; and,
- (ii) The Agreement of Purchase and Sale is conditional upon the City being satisfied with the terms and conditions of an Agreement of Purchase and Sale between 1333786 Ontario Ltd. (purchaser), and Cervarano Developments Ltd. and V & R Investments Inc. (vendor), for part of 88 Fennell Ave., West, Hamilton, and consisting of approximately 3.55 acres of land, which transaction is scheduled to close June 21, 2000; and,
- (iii) That in the event of assumption of this Agreement by the City (as set out in clause b) ii) above, that 1333786 Ontario Ltd., become a tenant on the property at a rate commencing at \$3,500.00/month and graduating to \$7,500.00/month and upon terms and conditions satisfactory to the Director of Legal Services; and,
- (iv) The Agreement of Purchase and Sale is conditional upon the City obtaining a Heritage Easement over the subject lands, in order to preserve all heritage value of the property and the buildings; and,
- (c) That the Mayor and Municipal Clerk be authorised and directed to execute the necessary documents in a form satisfactory to the Director of Legal Services; and,
- B. (a) That the Subject Property known as the Albion Mills Draft Plan of Subdivision be declared surplus to the requirements of the City of Hamilton in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
- (b) That Real Estate, Legal Services Section be authorized and directed to proceed to sell this property in accordance with the Real property Sales Procedural By-law No. 95-049; and,

- C. That upon the acquisition of the Auchmar lands by the City of Hamilton:
- (a) authority be given to the Mayor apply to the National Historic Sites and Monuments Board of Canada, on behalf of the City, to have the Auchmar lands designated as a National Historic Site; and,
  - (b) authority be given to the Mayor to request the Province of Ontario through the Ontario Heritage Foundation, on behalf of the City, to enter into a Heritage Conservation Easement agreement with the City for the Auchmar lands; and,
  - (c) the General Manager, Community Planning and Development Division, be authorized and directed to prepare a "Reasons for Designation" report for the six acres of landscaped grounds, for the purposes of completing the designation of the entire property under the Ontario Heritage Act, which designation will heritage features such as the dovecote, the walled garden and the orchard stone wall; and,
  - (d) the General Manager, Community Planning and Development Division, be authorized and directed to apply to the Architectural Conservancy of Ontario Advisory Board for a preliminary Condition Assessment Report on the buildings and structures found on the Auchmar lands; and,
  - (e) the Director of Legal Services be authorized and directed to take all necessary steps to obtain a Heritage Conservation Easement on the Auchmar lands pursuant to the Ontario Heritage Act; and,
  - (f) the General Manager, Community Planning and Development Division, be authorized and directed to work with interested public and private groups, including the tenant of the main house, for the purpose of pursuing grant programs to fund a long-term strategic plan, an in-depth condition assessment and the implementation of restoration projects, where required; and,
  - (g) the Municipal Clerk be authorized and directed to add the Auchmar lands to the list of Hamilton's Millennium Projects.

#### 18. ADJOURNMENT

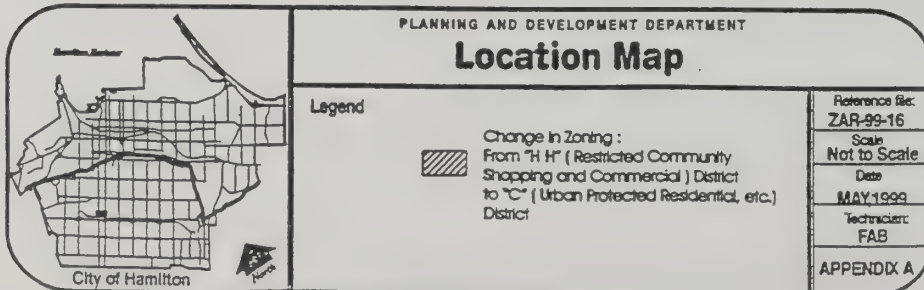
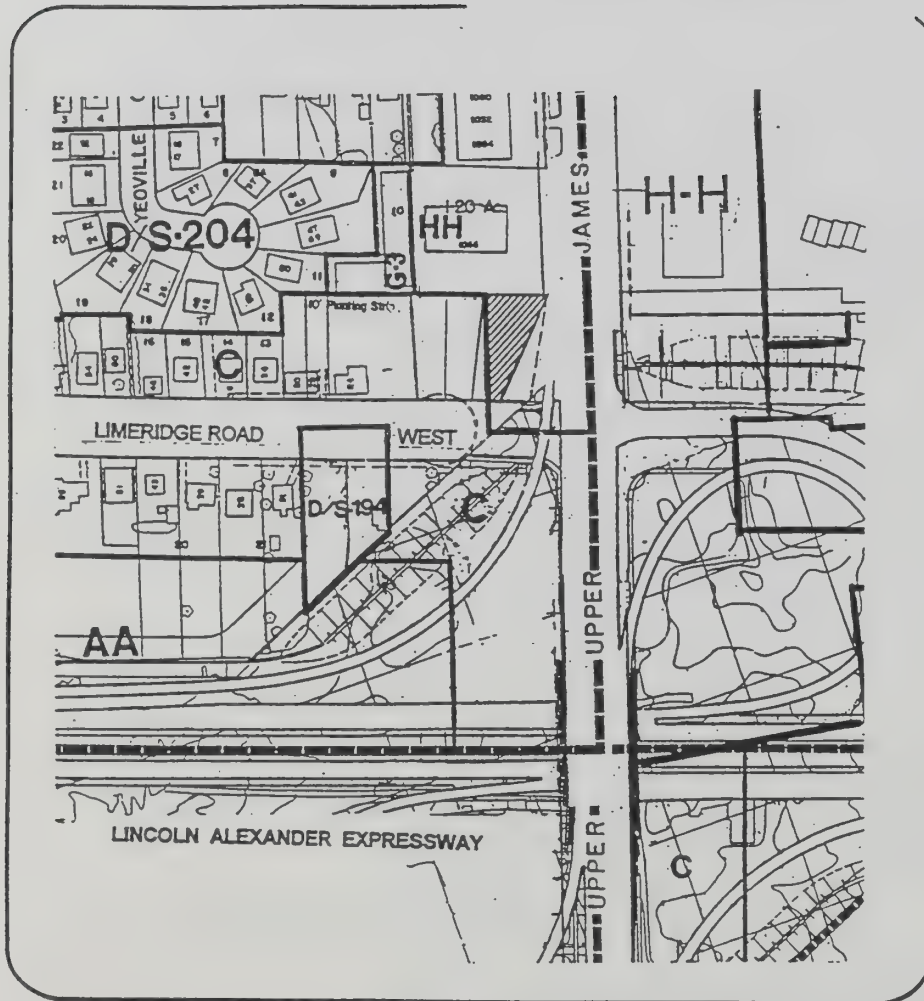
There being no further business the Committee meeting adjourned.

Taken as read and approved.

Alderman G. Copps  
Acting Chairman  
Planning and Development Committee

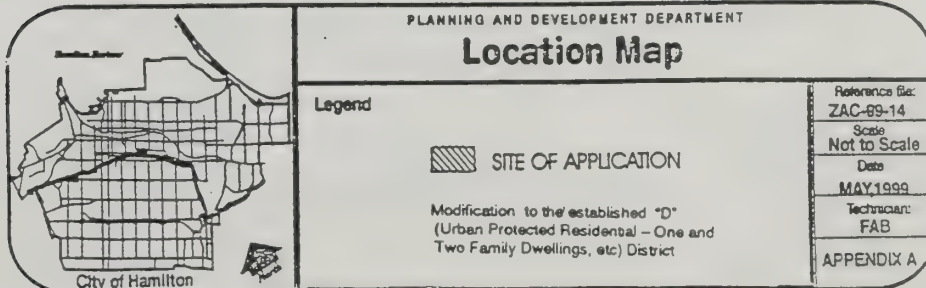
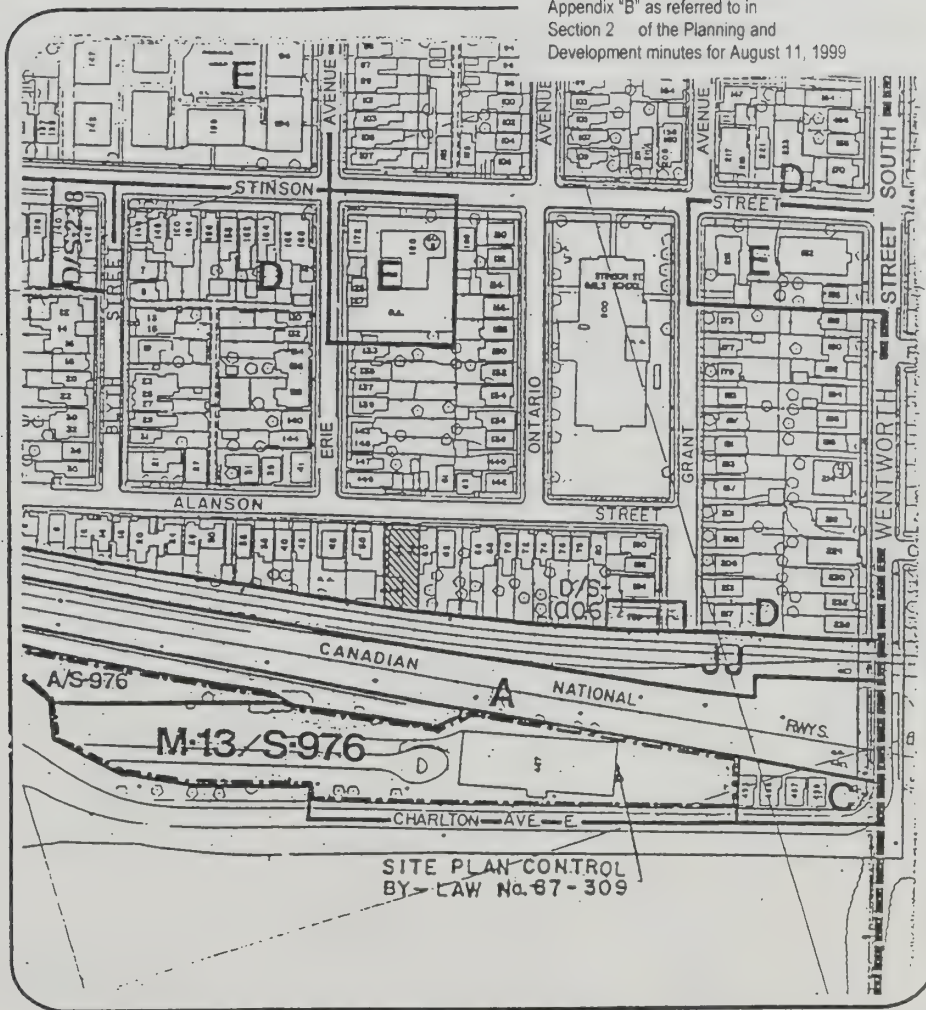
Tina Agnello  
Secretary  
/ta

Appendix "A" as referred to in  
 Section 1 (a) of the Planning and  
 Development minutes for August 11, 1999

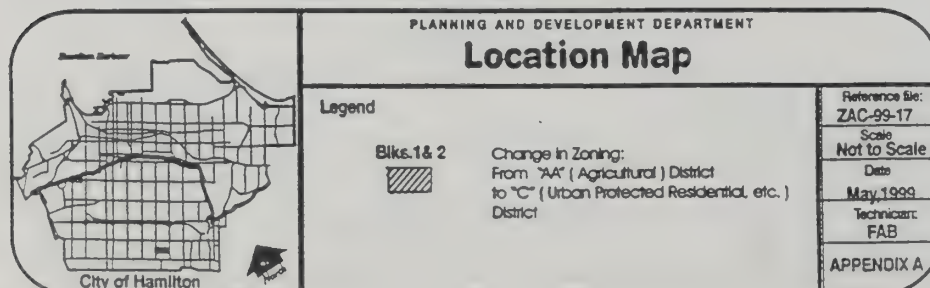
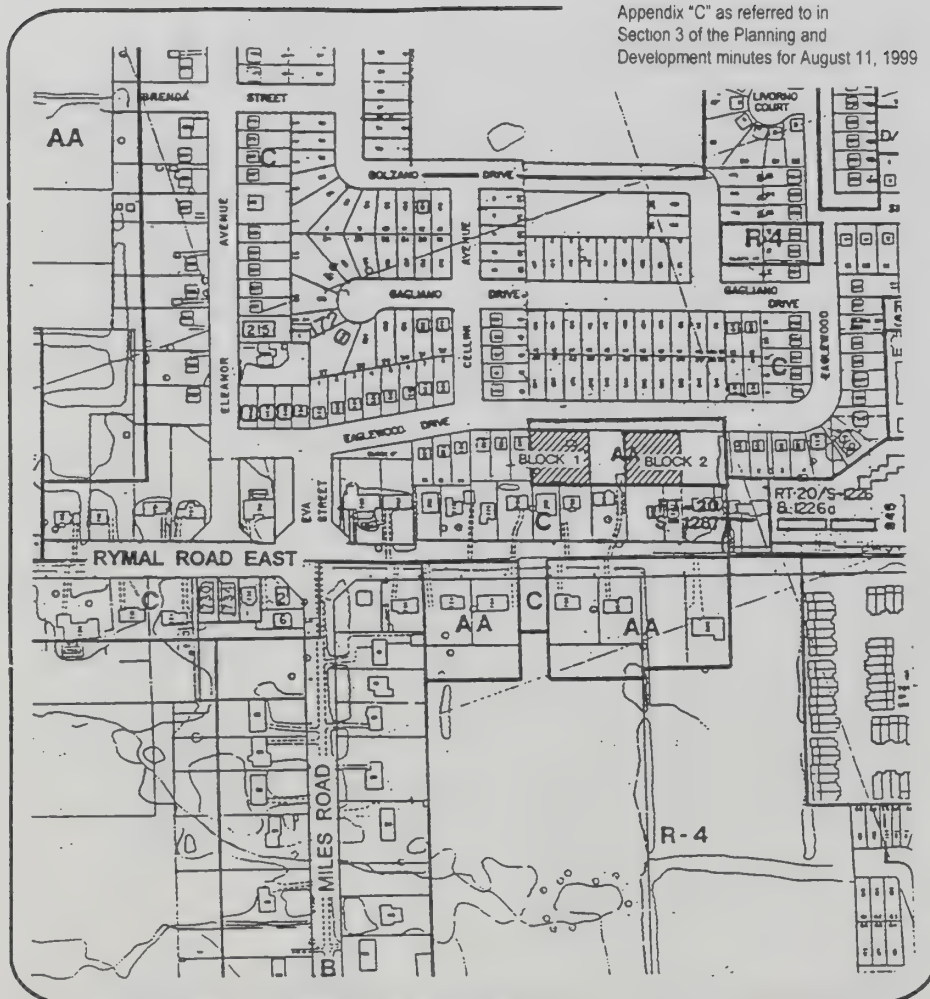




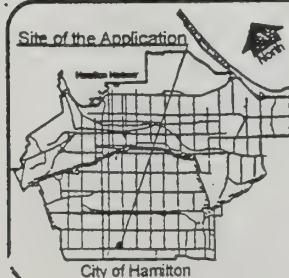
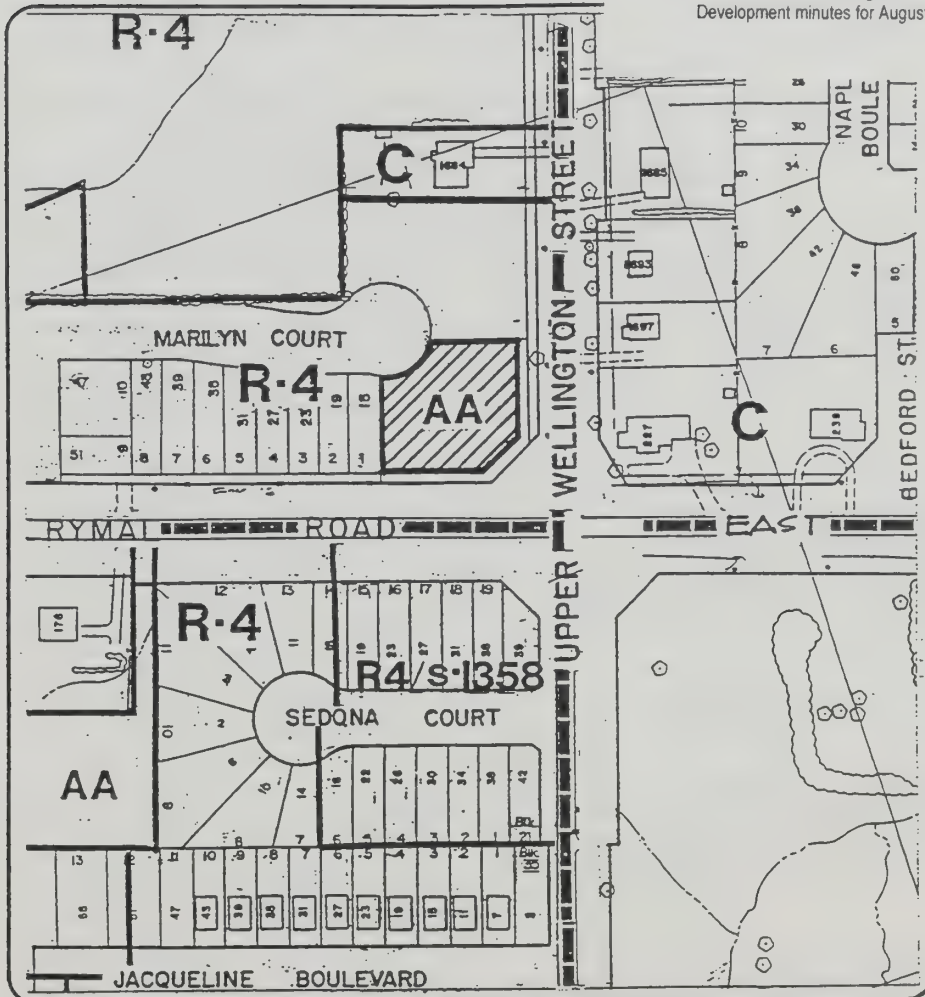
Appendix "B" as referred to in  
 Section 2 of the Planning and  
 Development minutes for August 11, 1999



Appendix "C" as referred to in  
 Section 3 of the Planning and  
 Development minutes for August 11, 1999



Appendix "D" as referred to in  
Section 4 of the Planning and  
Development minutes for August 11, 1999



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend

Change in Zoning from:

 "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District

Reference File:  
**ZAR-89-21**

Scale  
**Not to Scale**

Date

**June, 1999**

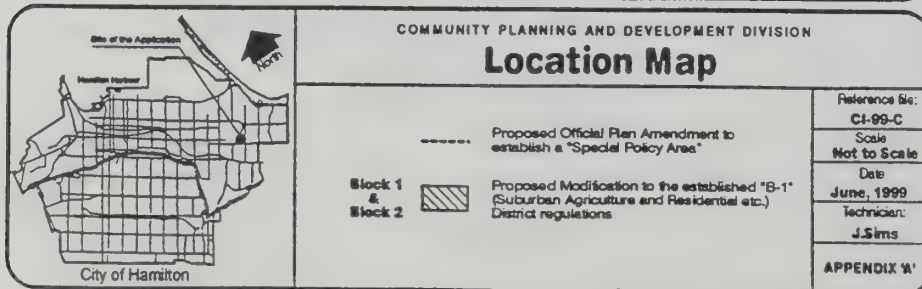
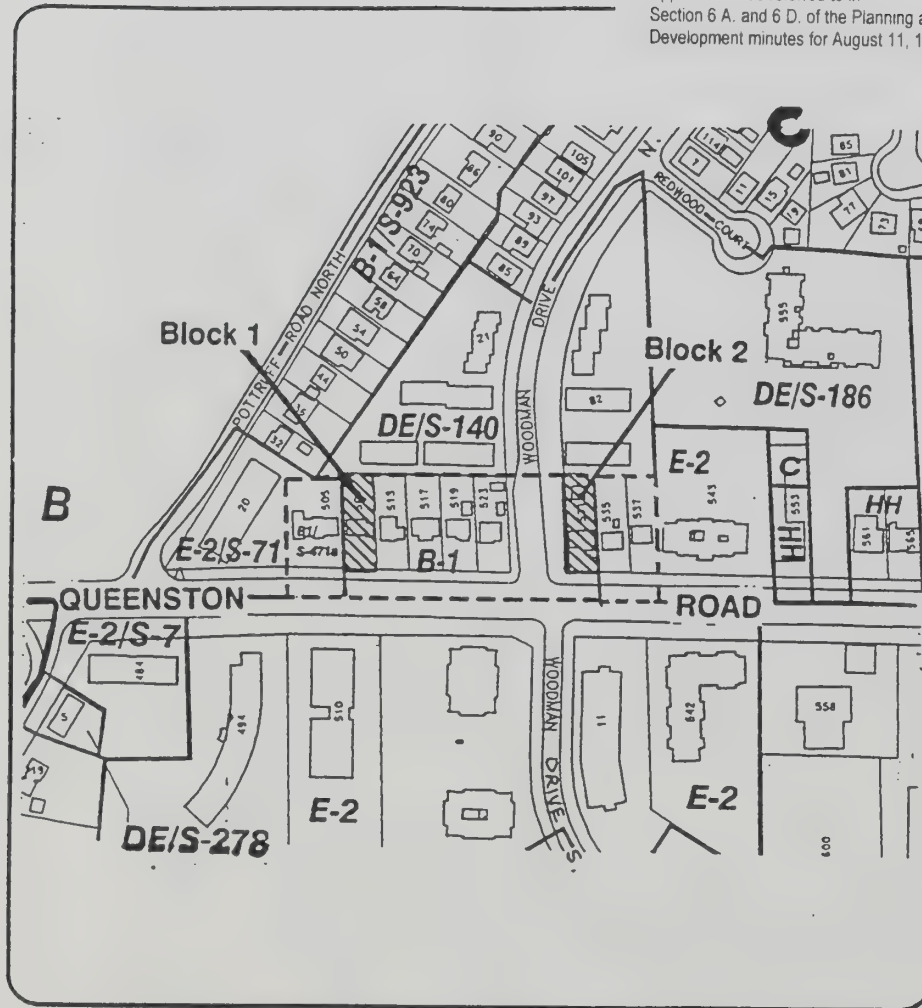
Technician:

**B. B.**

APPENDIX 'A'



Appendix "E" as referred to in  
Section 6 A. and 6 D. of the Planning and  
Development minutes for August 11, 1999



## Design Guidelines for 505 to 537 Queenston Road Within the Kentley Neighbourhood

### Design Principles

The subject lands are designated by the Official Plan and Approved Kentley Neighbourhood Plan to allow residential uses, as well as, commercial conversions of existing buildings. The following design concepts should be incorporated into plans for commercial conversion within the area designated "Single and Double Residential and Commercial Conversions" located at 505 to 537 Queenston Road. The intent of these guidelines is to maintain the low profile character of the area and mitigate impacts of commercial conversions on adjacent residential uses.

#### 1. Buffering

Buffering is an essential element in mixed-use areas, or when residential land uses are located in close proximity to more intense land uses such as commercial uses. The intent of buffering is to mitigate any negative impacts created by the commercial uses on the residential uses. Examples of potential negative impacts to be mitigated are visual impacts resulting from the commercial use, reduced privacy, increased noise, and increased light from parking areas.

*Visual Barriers* should be provided between commercial uses and residential uses:

- 1.2 m to 2.0 m high visual barrier along rear lot lines.
- 1.2 to 2.0 m high visual barrier along any side lot line which abuts a residential district or use. In some cases, due to the location of existing features, such as access driveways and vegetation, it may not be feasible to provide a visual barrier along the entire side lot line. In these cases, the visual barrier should be provided up to the front wall of the dwelling being converted for commercial use.

*Landscape strips* should be provided wherever possible between commercial uses and residential uses:

- If parking is provided in rear yards, the entire rear yard should not be paved. A minimum 3.0 m landscape strip should be required along rear lot lines, to include vegetation suitable for buffering purposes.
- A minimum 1.5 m wide landscape strip along any side lot line, which abuts a residential use or district.

*Separation Distances* of parking areas, driveway accesses and buildings should be adequate to buffer adjacent residential uses.

- A minimum 3.0 m landscaped strip should be provided between any parking area in a rear yard and the adjacent residential uses to the north. As stated above, this should also be landscaped.
- Parking areas and access driveways should be setback a minimum of 1.5 m from side lot lines of abutting residential uses, wherever possible.
- All buildings should meet required minimum setbacks.

*Lighting* may be necessary for safety, but should be sensitive to adjacent residential uses.

- Any lighting in rear or front yard parking areas should be appropriately located and designed to direct light away from adjacent residential uses.

## 2. Streetscape

Since mixed uses will be permitted the intent is to maintain and enhance the low profile character of the area and preserve features of the residential streetscape.

### *Existing Buildings*

- Commercial uses should be restricted to existing buildings.
- Changes to existing building facades should be limited and consistent with established residential development. For example, large display windows and wall signs should not be permitted.
- Enlargements or additions to the existing buildings may be permitted only if they are in keeping with the established built form and residential character of the area. The height, bulk and size of buildings, including a proposed addition, should be consistent with the established development.

### *Signage*

- Business signs should be limited to low ground oriented signs, similar to those for existing commercial uses, or a name plate type sign.
- Ground signs should generally not exceed a maximum area of 0.6 m<sup>2</sup> and vertical dimension of 0.9 m.
- Name plate style signs should not exceed an area of 0.2 m<sup>2</sup>
- Pylon ground signs should not be permitted and wall signs should be discouraged.

### *Landscaping*

- Existing vegetation should be maintained wherever possible.
- Street trees along Queenston Road should be preserved.
- Entire front or rear yards should not be paved to provide for parking.
- Landscape treatment should be provided along Queenston Rd., whether parking is located in the front yard or not.



- If parking areas are provided in the rear yards for the corner lots, landscape treatment should also be provided along Woodman Drive.
- Landscape strips along streetlines should be consistent with the minimum requirements for commercial zones: a landscape planting strip along the entire streetline with a minimum average width of 2.0 m, but not less than 1.0 m (excepting access driveways).

### 3. Parking and Access

- Depending upon site characteristics, parking areas may be located in the front or rear yards, subject to the buffering and landscape principles above.
- No new accesses are to be created. The sharing and co-ordination of accesses between abutting properties will be encouraged.
- Access driveways for commercial conversions should be wide enough to accommodate two-way traffic (e.g. minimum of 5.5 m).
- Required parking and maneuvering must be provided on-site. Vehicles must be able to maneuver on-site. Situations, which require vehicles to back out onto Queenston Road, will not be permitted.
- Parking areas should not encroach into the road allowances.

### 4. Pedestrian Access and Walkways

- Consideration should be given to the provision of defined pedestrian walkways (e.g. separate from parking areas and access driveways) wherever feasible.
- Sufficient separation should be provided between the parking areas and pedestrian sidewalks on municipal streets.

### Development Concepts

Three potential development concepts are attached which may be used as guidelines for commercial conversions:

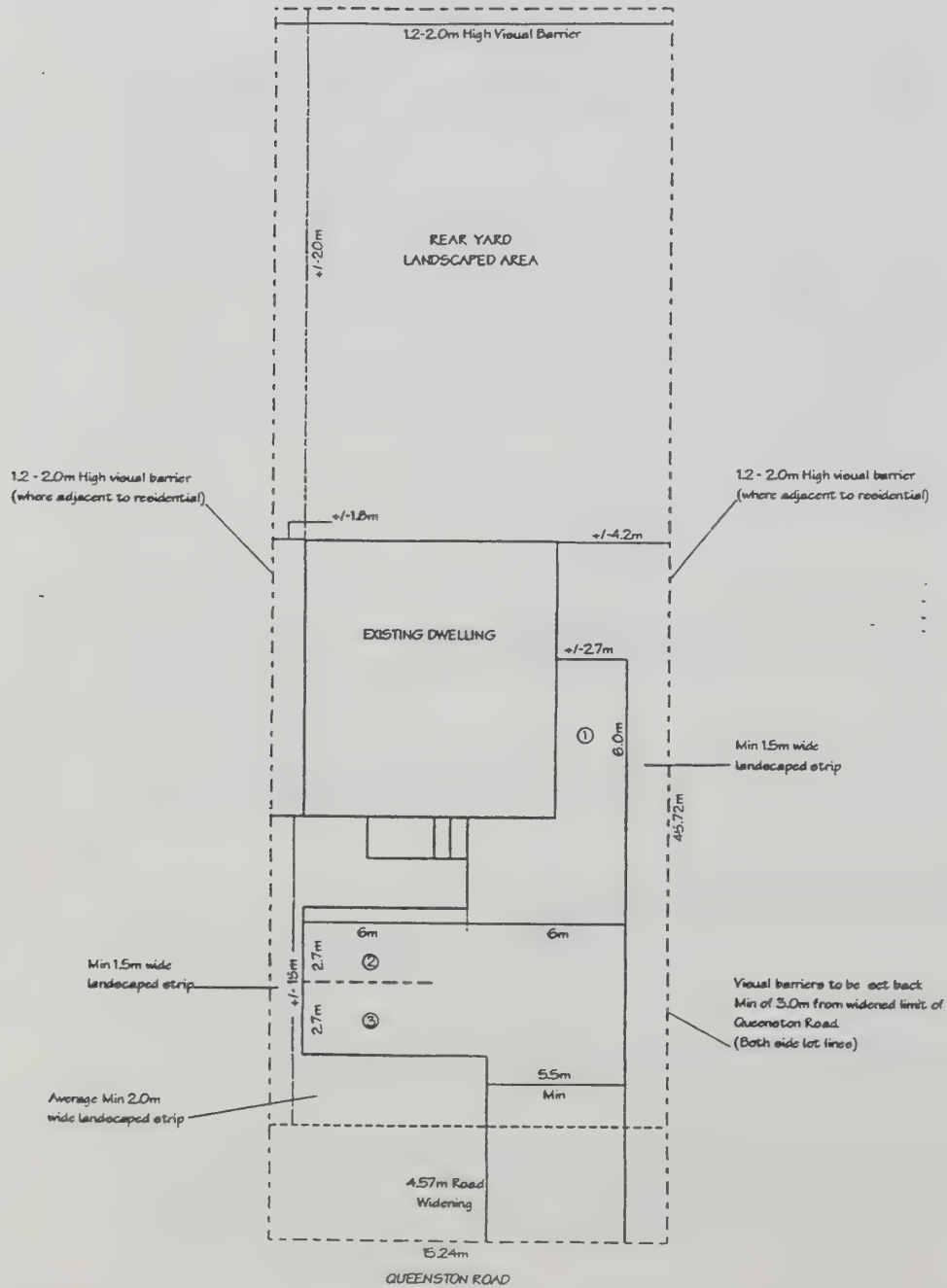
- Development Concept A - Front Yard Parking
- Development Concept B - Rear Yard Parking
- Development Concept C - Rear Yard Parking with Mutual Drive

### Implementation

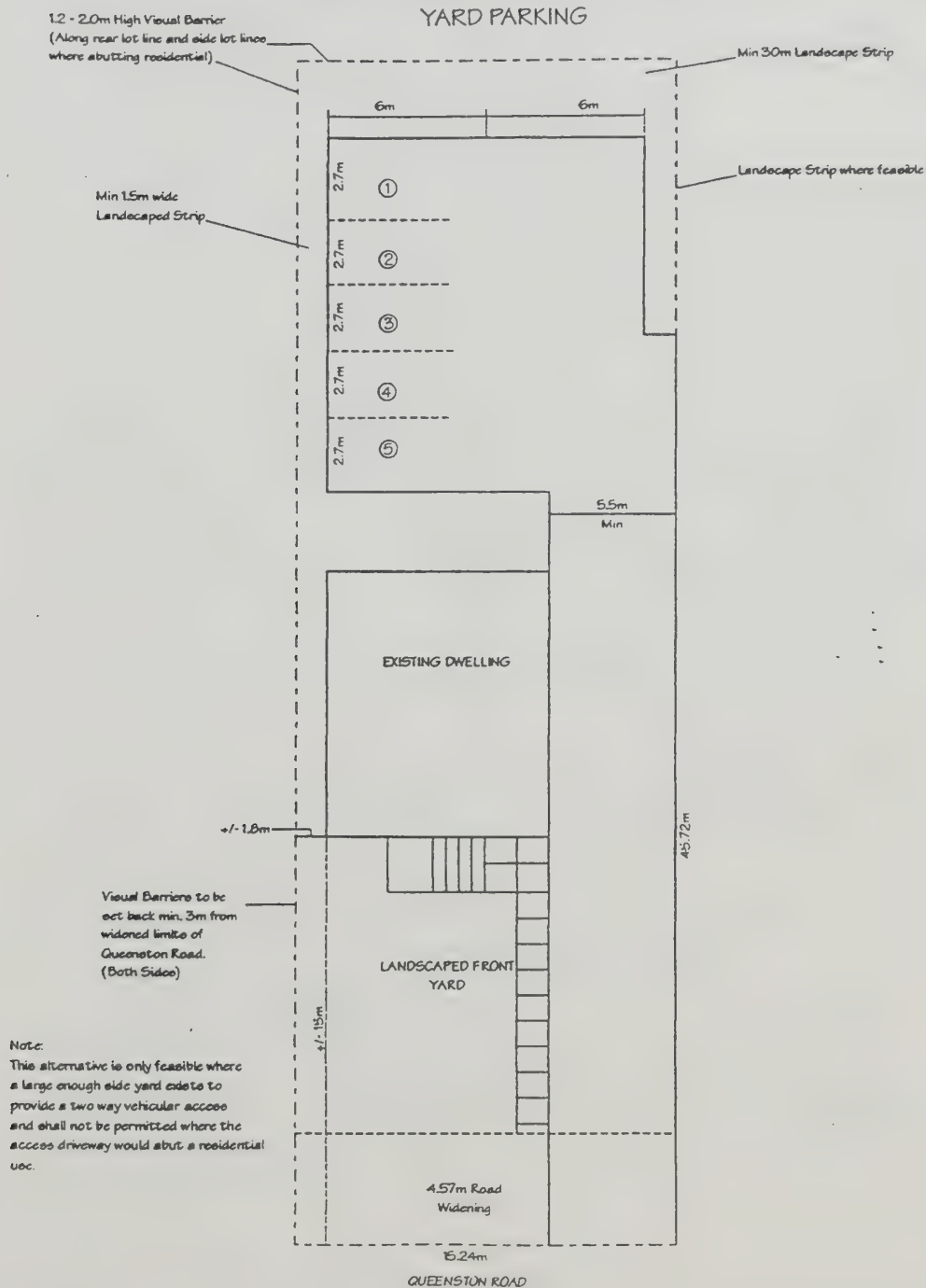
These Design Guidelines will be implemented through site specific zoning by-law amendments and through Site Plan Control.

It should be noted that these concepts and guidelines are intended to illustrate how the design principles may be implemented. It is not expected that every commercial conversion will follow these alternatives exactly. The principles set out in these guidelines should be adhered to wherever possible.

# DEVELOPMENT CONCEPT A FRONT YARD PARKING

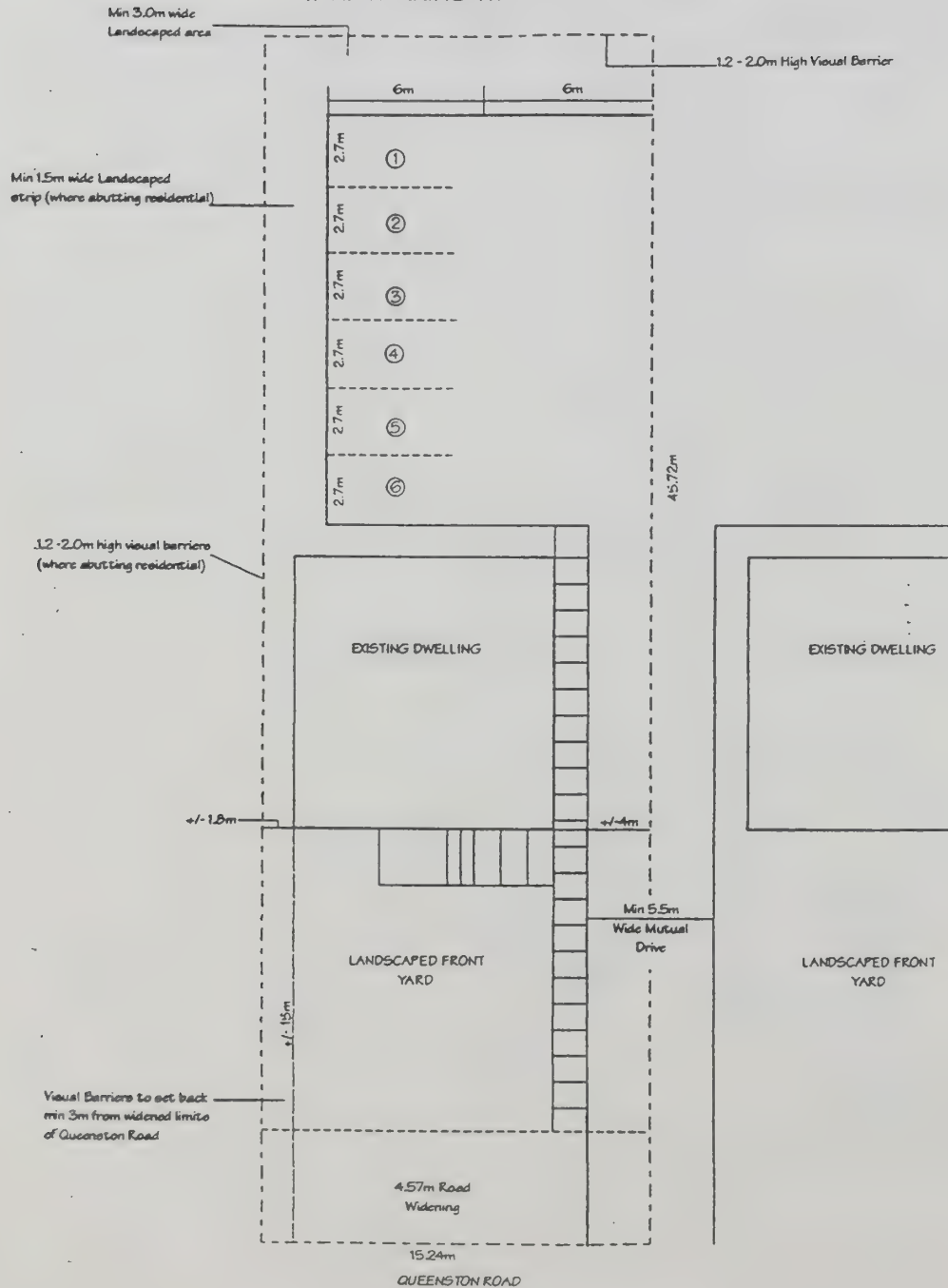


# DEVELOPMENT CONCEPT B-REAR YARD PARKING





# DEVELOPMENT CONCEPT C - REAR YARD PARKING WITH MUTUAL DRIVE

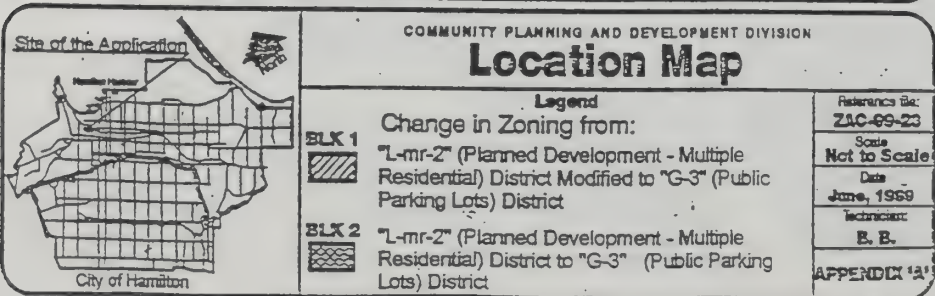
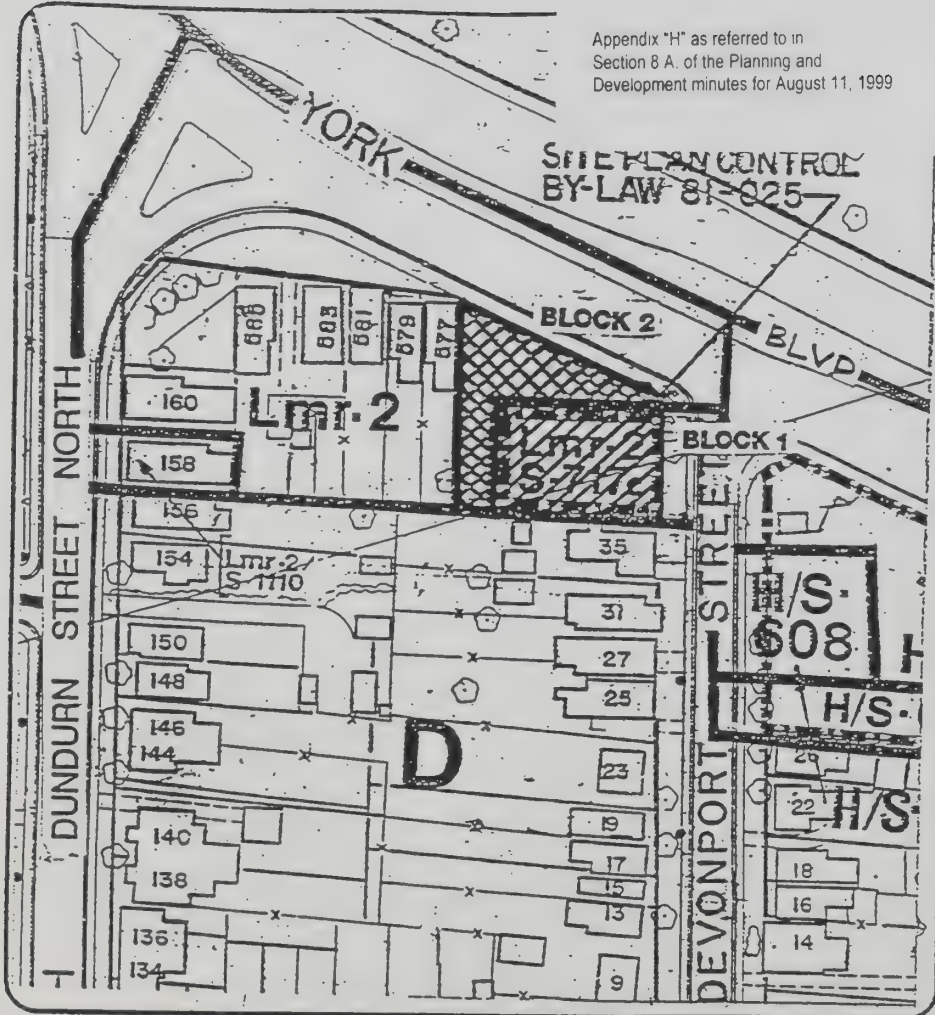


Appendix "G" as referred to in  
 Section 7 A.(a) and 7 B. of the Planning and  
 Development minutes for August 11, 1999



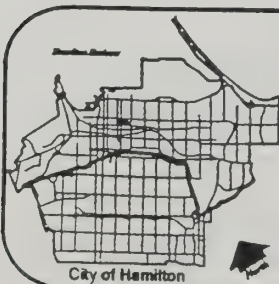
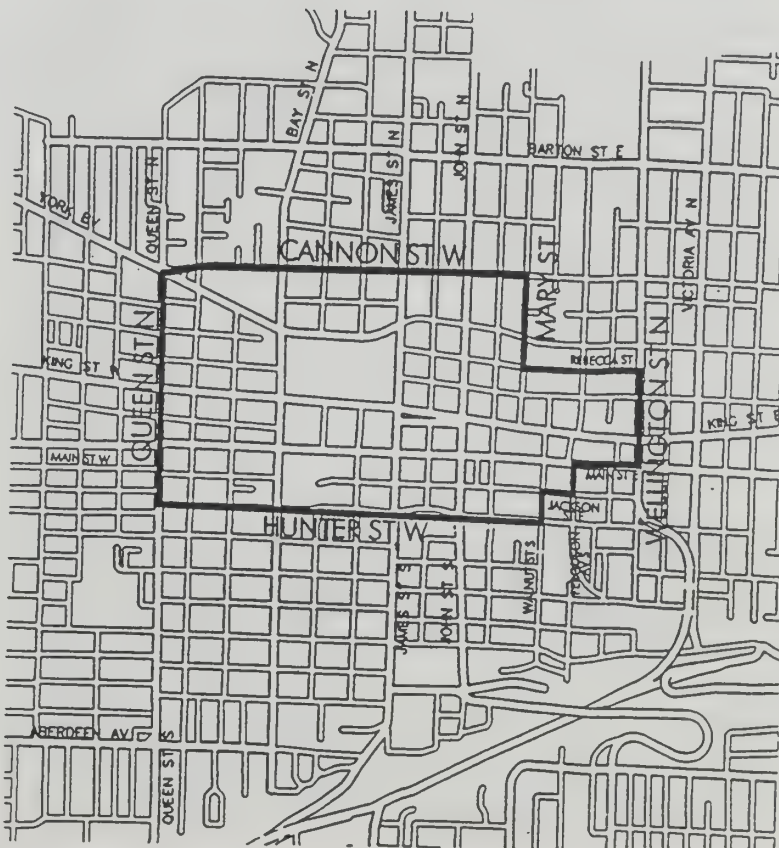
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|--|---|--|---|
| <p>Site of the Application</p> <p>City of Hamilton</p> | <p>COMMUNITY PLANNING AND DEVELOPMENT DIVISION</p>  |  | <p>Reference file:<br/><b>ZAC-89-19</b></p> |
|  | <h2 style="text-align: center;">Location Map</h2>   |  |   |
|  | <p><b>Legend</b></p> <p> <b>Subject Lands</b></p>   | <p>Scale<br/><b>Not to Scale</b></p>   |   |
|  | <p>Application for an Official Plan Amendment to redesignate the subject lands from "Residential" to "Institutional" and for a further modification to the established "DE-3" - "H" (Multiple Dwellings- Holding) District.</p> | <p>Date<br/><b>June, 1999</b></p> <p>Technician:<br/><b>B. B.</b></p> <p><b>APPENDIX 'A'</b></p> |   |

Appendix "H" as referred to in  
Section 8 A. of the Planning and  
Development minutes for August 11, 1999





Appendix "I" as referred to in  
 Section 11 of the Planning and  
 Development minutes for August 11, 1999



PLANNING AND DEVELOPMENT DEPARTMENT

## Location Map

Legend



NO PARKING AND LOADING SPACES REQUIRED  
 FOR RESIDENTIAL DEVELOPMENT

Reference file:

CI-96-1

Scale

Not to Scale

Date

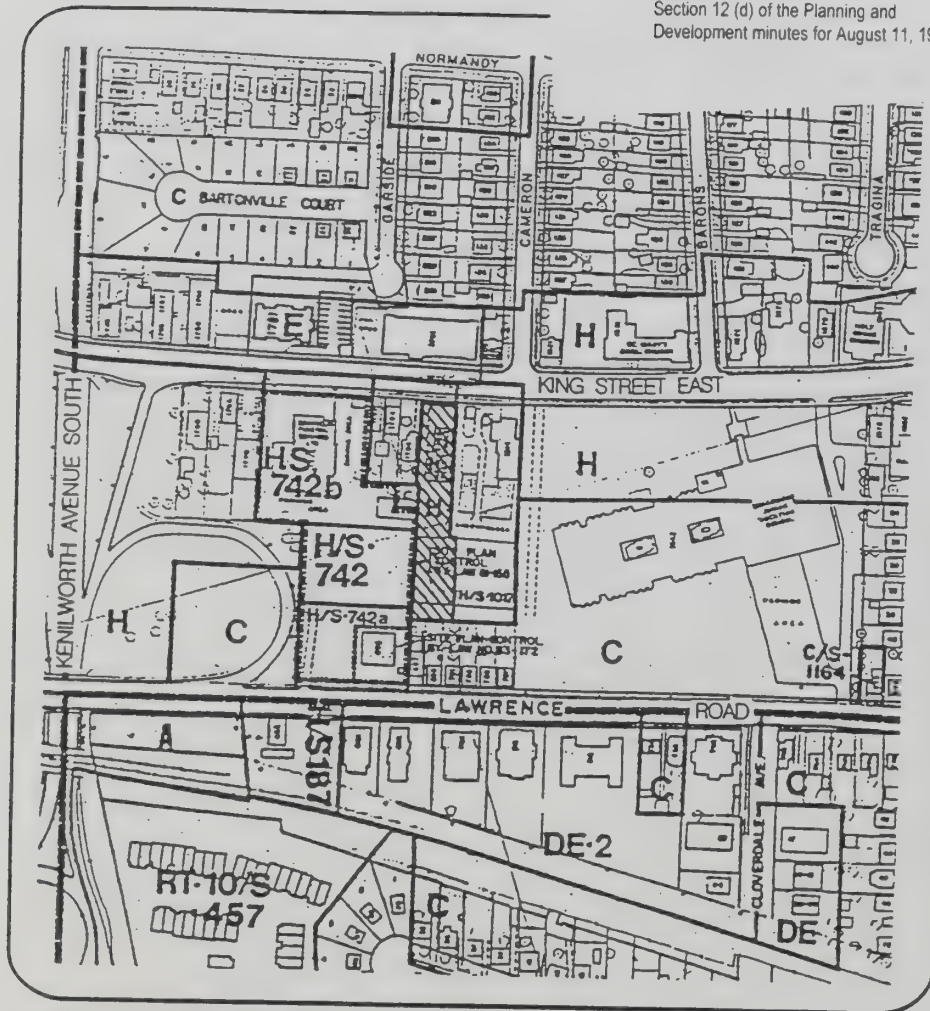
July 1999

Technician:

FAB

APPENDIX A

Appendix "J" as referred to in  
 Section 12 (d) of the Planning and  
 Development minutes for August 11, 1999

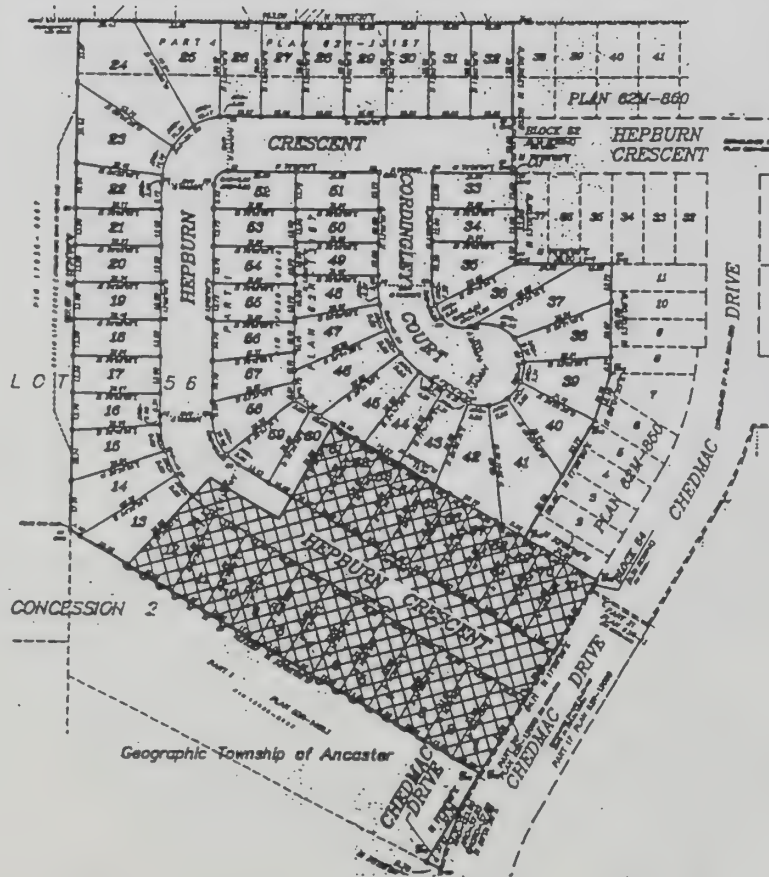


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|-------------------------------------|--|--|
| PLANNING AND DEVELOPMENT DEPARTMENT |  |  |
| <b>Location Map</b>                 |  |  |
| <p>City of Hamilton</p>             | <b>Legend</b><br><br>SITE OF APPLICATION | Reference file:<br>DA-99-22<br>Scale:<br>Not to Scale<br>Date:<br>MAY 1999<br>Technician:<br>FAB |
|                                     | APPENDIX A                               |  |





Appendix "L" as referred to in  
Section 15 Ci (a) of the Planning and  
Development minutes for August 11, 1999



PLANNING AND DEVELOPMENT DEPARTMENT

## Location Map

Legend



Subject Lands

Reference file:

PLC-99-02

Scale:

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Date:

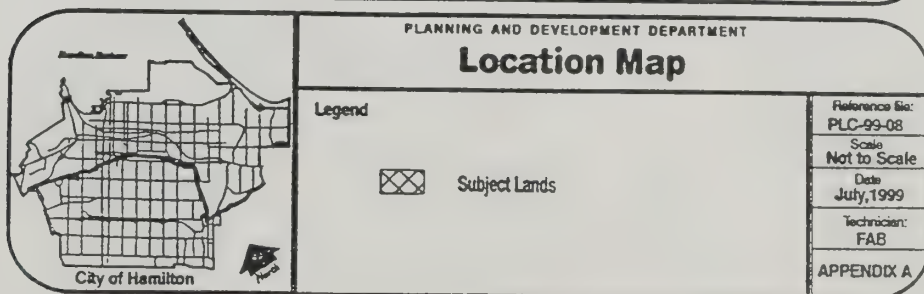
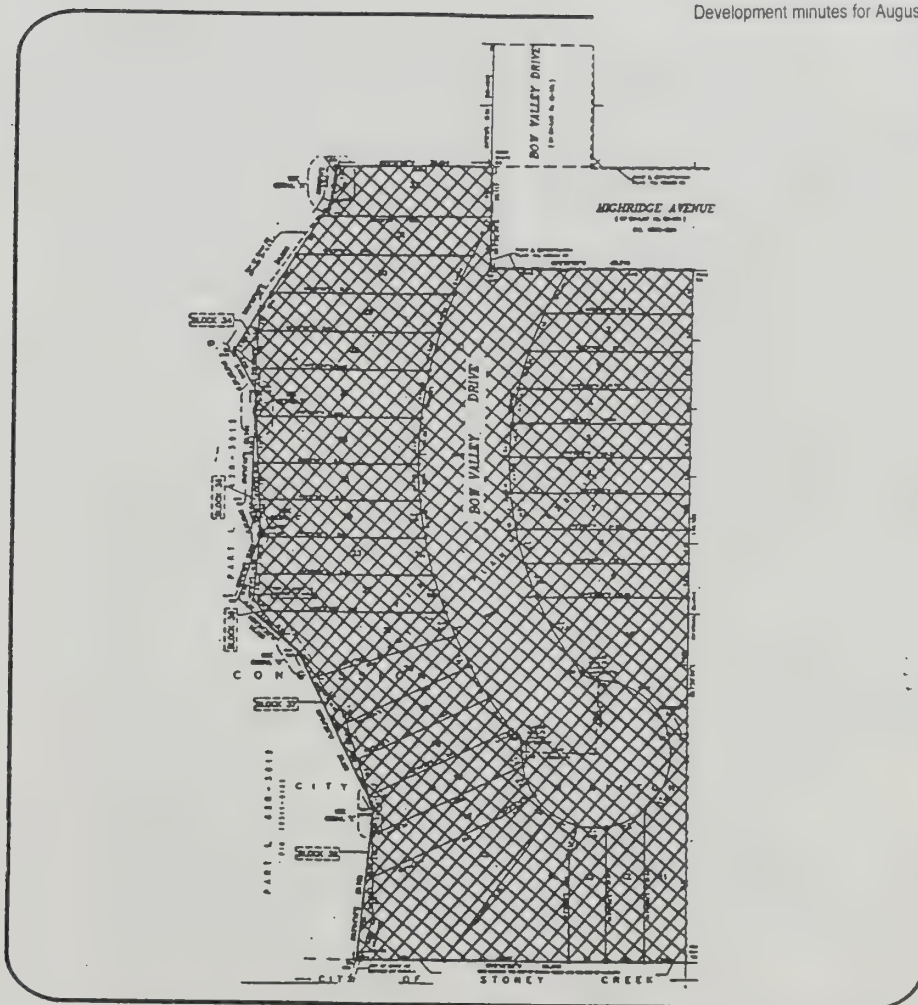
July, 1999

Technician:

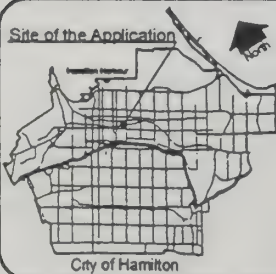
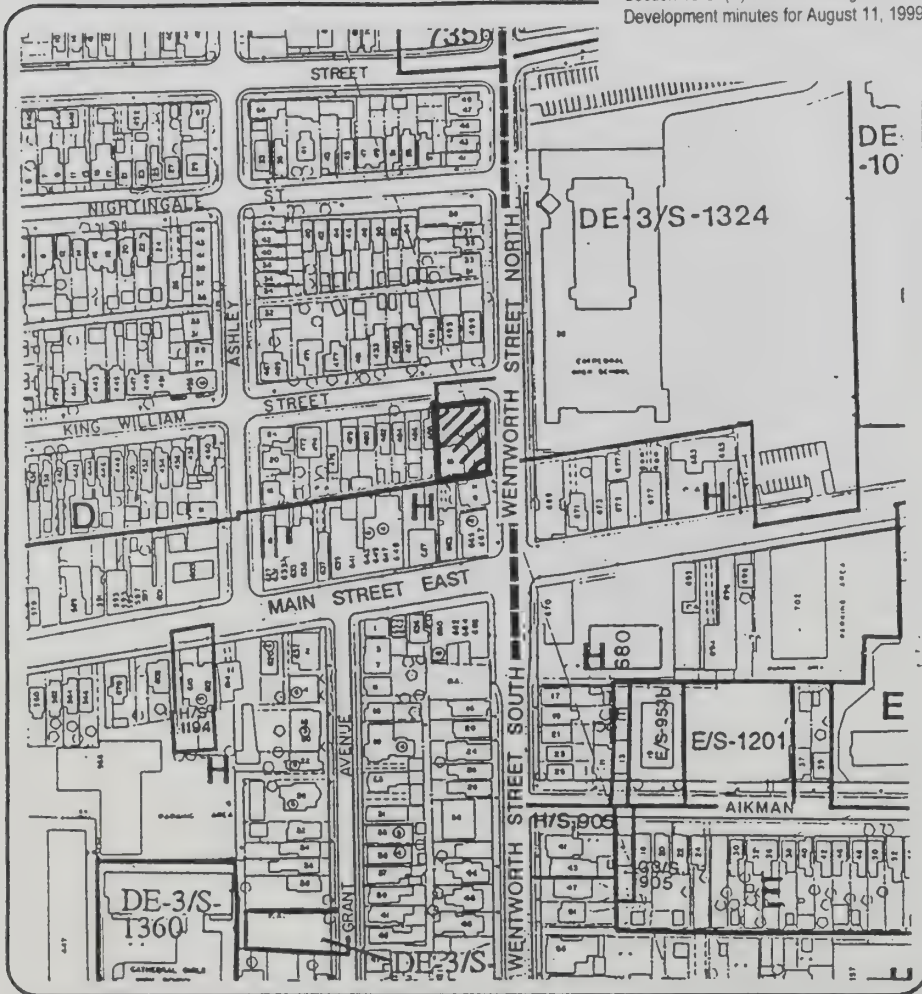
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APPENDIX A

Appendix "M" as referred to in  
 Section 15 C. (ii) (a) of the Planning and  
 Development minutes for August 11, 1999



Appendix "N" as referred to in  
Section 15 C. (iii) of the Planning and  
Development minutes for August 11, 1999



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

Legend

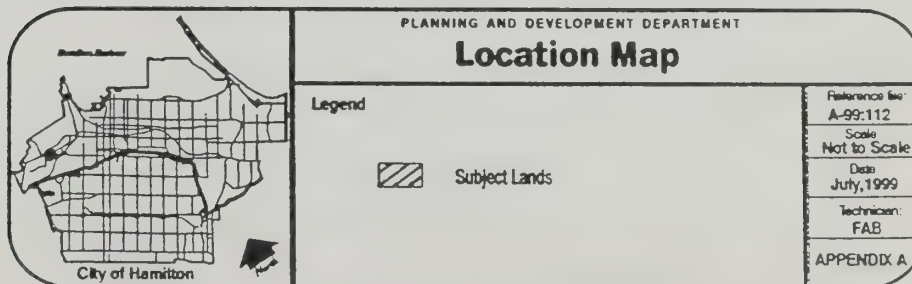
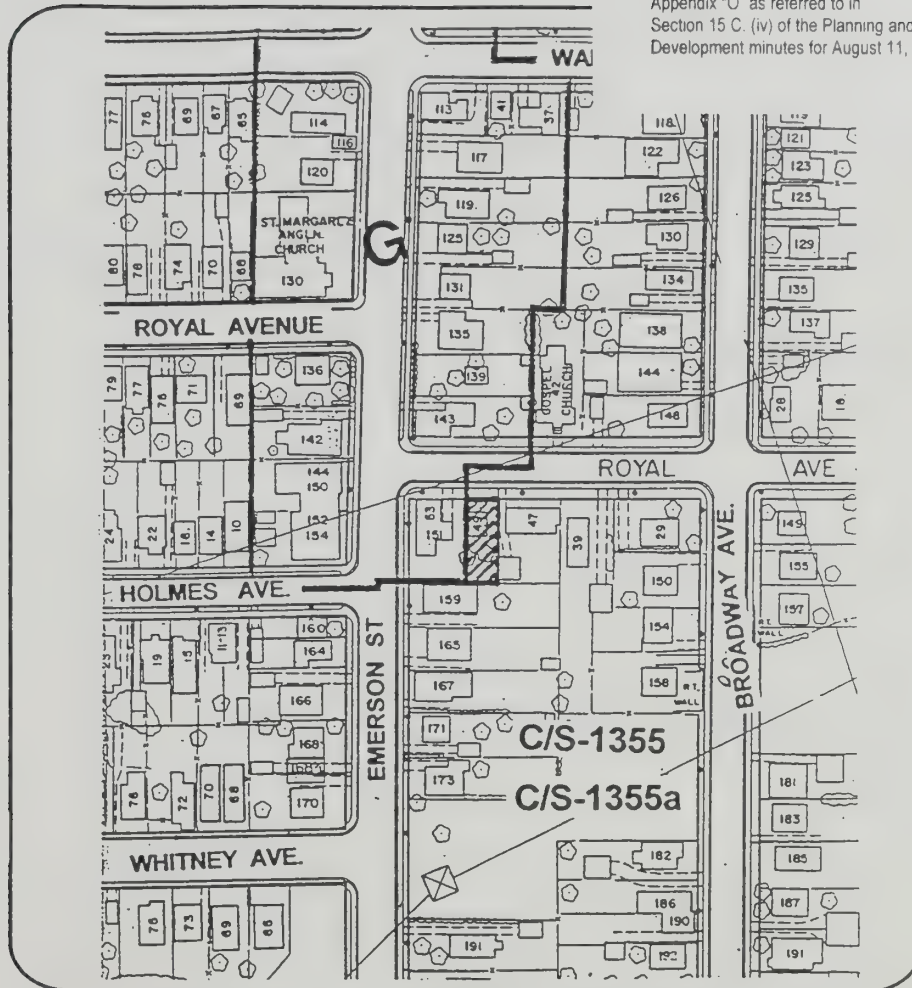


Site of the Application

Reference file:  
DA-97-11  
Scale  
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Date  
July, 1999  
Technician:  
D.L.  
Appendix "A"



Appendix "O" as referred to in  
 Section 15 C. (iv) of the Planning and  
 Development minutes for August 11, 1999





Wednesday, August 18, 1999  
Room 233, City Hall  
9:30 o'clock a.m.

Aii)

**The Planning and Development Committee met in special session.**

**There were present:** Alderman F. D'Amico, Chairperson  
Alderman G. Copps, Vice-Chairperson  
Alderman B. Charters  
Alderman F. Eisenberger  
Alderman M. Caplan  
Alderman B. Kelly  
Alderman D. Haining  
Alderman R. Corsini, Vacation

**Regrets:** Mayor R. Morrow, Vacation

**Also present:** Alderman A. Horwath  
Alderman M. Kiss  
D. A. Lychak, City Manager  
Lee Ann Coveyduck, General Manager, Community  
Planning and Development Division  
Paul Mallard, Planning and Development Department  
Mary Lou Tanner, Planning and Development  
Bill Janssen, Planning and Development  
Nina Chapple, Planning and Development  
Dave Powers, Corporate Counsel  
Doug Lobo, Commissioner of Public Works and Traffic  
Hart Solomon, Public Works and Traffic  
Werner Plessl  
Bob Crystian  
Kevin Nutley, Real Estate Division  
Nick Catalano, Director of Economic Development  
Terry Whitehead, Executive Assistant to the Mayor  
Tina Agnello, Secretary

**PUBLIC MEETINGS – 9:30 O'CLOCK A.M.**

**1. DELEGATION**

**Urban Strategies – Design Strategies for Downtown Hamilton**

Mary Lou Tanner introduced George Dark and Ron Blake of Urban Strategies who would be presenting their report on concepts for the Downtown Secondary Plan.

Mr. Dark reviewed the report for the Committee.

He highlighted the following points:

- there should be more emphasis on pedestrians and less on vehicular access
- downtown retail should distinguish itself from retail elsewhere in the City
- core buildings must not be demolished to create parking lots
- a high density low rise type of urban housing should be provided in the core
- radical changes are being proposed for the "Jackson Square Superblock"



Jordan Livingston a merchant in the City for 52 years felt that there are many people in the Downtown core but not the amenities to service them. The focus should be on King East. He suggested that we encourage a small scale Walmart or Home Depot in the downtown. He felt that the issue of 2 way streets is irrelevant. He stated that it is important to develop a streetscape that is inviting. He encouraged the Committee to move forward with the study.

In response to a question from Alderman Horwath regarding timing, Mary Lou Tanner advised that the transportation component of the study would first be completed by the end of 1999 and then the public meetings will follow.

Mr. Lychak added that once Council adopts the reports staff recommendations and an implementation strategy will be consolidated in a budget to be presented to Council as one package.

Alderman Eisenberger stated that the resources required must be allocated. City Council is already implementing strategies to encourage people to the downtown core. He stressed that the Committee needs to look to the future: to make the downtown "visible".

Alderman Caplan noted that businesses are in the downtown to make money not help the area. We are to convince them that helping the area will be good for business. We should not be encouraging high rise office development; instead we should be downzoning. The real value of land in the downtown is decreasing. With regard to parking, short-term parking that encourages shopping should be implemented. He suggested that is the City's job to make it possible for the private sector to redevelop. Destination stores and small-scale specialty shops are very important, as these are the ones that have survived. He agreed that 2 way streets are not as important as making the core pedestrian friendly.

In response to a question from Alderman Haining, Ron Blake advised that links to the waterfront are from Bay Street and Ferguson Avenue.

Alderman Haining was concerned over the suggestion that Main street in front of the Civic Centre be used for public events. Ron Blake advised that a public competition would be good for the design of the area.

Alderman Kelly stated that he does not want traffic flow restricted on King, Main and James Streets, as people have no other reasonable alternative routes. He stated that the Council must consider this secondary plan when making all other decisions. The City also needs assistance from senior levels of government and needs to draw in partnerships.

Alderman Charters Questioned how the plan will work in winter without linkages. The environmental aspects of Building have not been addressed. He was very concerned that there is no financial costing. He does not understand the strategies or linkages.

Alderman D'Amico stated that the document is a starting point for public participation, and therefore the concepts will change. They will evolve over time. He urged everyone to impress upon the senior levels of government to invest money in the infrastructure of downtowns.

Mr. Dark advised that if winter system were developed whereby everything is underground or on the second level the first floors would still remain vacant. A discussion ensued regarding other Cities that have had winter linkage systems in the downtown core.

Helene Fallen stated that destination stores are important to the downtown core. She suggested that the Go Station be used to bring shoppers to the downtown.

Jim Gates, Owner of 124 Walnut Street was present. He stated the City should follow through on its "Open for Business" initiatives.

Alderman Horwath stated and Mary Lou Tanner concurred that the downtown Zoning should be downzoned because at present it is an impediment to development. He added that the downtown malls should have storefronts that open to the street. She suggested that those recommendations with the best synergistic spin offs be first implemented.

The chairperson thanked the consultants and staff on their work.

A discussion ensued regarding specific principles to be approved in the recommendation.

Following brief discussion the Committee approved the recommendation of the General Manager, Community Planning and Development Division dated August 17, 1999 as amended as follows:

- (a) That the Design strategy be received and referred to the Community Planning and Development Division staff to be considered for incorporation into the Downtown Secondary Plan; and,
- (b) That Urban Strategies Inc. be retained by the City to work with the staff group to complete the public participation program for the Downtown Secondary Plan.

**The Committee resolved to suspend the rules of order to consider an added recommendation regarding declaration as surplus property – 80 Napier Street**

## **2. DECLARATION AS SURPLUS PROPERTY – 80 NAPIER STREET**

Kevin Nutley was present and advised that there have been 2 offers on City owned property at 80 Napier Street and as such he was requesting that the City proceed with declaring the property surplus.

A discussion ensued regarding permitted uses on the property. The Committee determined that they do not want the property developed contrary to the secondary plan that allows low-density housing and parkland only:

Following discussion the Committee resolved to recommend to Council as follows:

- (a) That the property at 80 Queen Street North, Hamilton be declared surplus to the requirements of the City of Hamilton in accordance with Real Property Sales Procedural By-law No. 95-049; and,
- (b) That Real Estate, Legal Services Section be authorized and directed to sell this property in accordance with the Real Property Sales Procedural By-law No. 95-049.

3. ADJOURNMENT

There being no further business the Committee meeting adjourned.

Taken as read and approved.

Alderman F. D'Amico  
Chairman  
Planning and Development Committee

Tina Agnello  
Secretary  
/ta



B:)

## CITY OF HAMILTON - RECOMMENDATION -

**DATE:** 1999 September 2  
CDM-99-01  
Butler Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

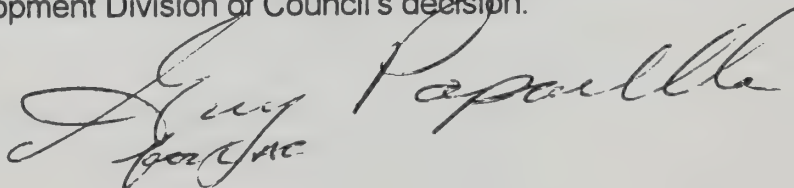
**SUBJECT:** Proposed Draft Plan of Condominium "Parktown Condominium"  
565 Rymal Road East (PDC99078)

### RECOMMENDATION:

- (1) That approval be given to Condominium Application CDM-99-01 (Regional File No. 25CDM-99005) "Parktown Condominium", Crystal Homes (The Park) Corporation (c/o K. DiSilvestro, president), owner, to establish a draft plan of condominium to be developed in two phases for a total of 54 townhouse units, known municipally as 565 Rymal Road East, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:
- i) That this approval apply to the plan prepared by Urbex Engineering Limited and certified by J.P. Nouwens, O.L.S., dated June 2, 1999, showing a total of 54 townhouse units to be developed in two phases (27 units in Phase 1 and 27 units in phase 2);
  - ii) That the final plan of condominium comply, in all respects, with the approved Site Plan (DA-98-12);
  - iii) That the applicant satisfy all conditions of site plan approval applicable to the subject lands to the satisfaction of the City of Hamilton, prior to registration of the Final Plan of Condominium;
  - iv) That the Final Plan of Condominium comply with all of the applicable provisions of the City of Hamilton Zoning By-law No. 6593, subject to the applicant applying for and receiving final approval from the Committee of Adjustment for the following variances:
    - a) to permit a parcel of land, shown as Phase 2, to be created without any direct frontage onto a public highway;
    - b) to exempt the subject lands from providing a 1.5 m wide planting strip and visual barrier between the parking area on Phase 2 and the lot

- line of Phase 1;
- c) To permit a setback of 1.75 m from a lot line, for the units shown as Blocks C and B on Phase 1 and Block F on Phase 2 whereas the provisions of the Zoning By-law requires 3.0 m;
  - d) To permit Block J on Phase 2 to be setback 5.5 m from the lot line whereas the provisions of the Zoning By-law require 6.0 m;
  - v) That the applicant apply for, and receive approval from, the Committee of Adjustment for a right-of-way over the lands shown as Phase 1 in favour of Phase 2 to provide for access to Phase 2 from Rymal Road East;
  - vi) That the following warning clause be registered on title for all units within the development, to the satisfaction of the Director, Development Division and Corporate Counsel:
 

*"Purchasers are advised that on-site garbage pick up for each unit by the City of Hamilton will not be available for this site."*
  - vii) That the Condominium Corporation be required to enter into and register on title the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement; and,
  - viii) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.
- (2) That the Municipal Clerk be directed to advise the Director, Land Development, Community Planning and Development Division of Council's decision.



#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council shall consider an application for draft plan approval for a plan of condominium

#### **BACKGROUND:**

##### Proposal

The application is to establish a draft plan of condominium to be developed in two phases for a total of 54 townhouse units, known municipally as 565 Rymal Road East, as shown on the attached map marked as APPENDIX "A". There will be 27 units in Phase 1 and 27 Units in Phase 2 (see Appendix "B").

## Site Plan Control Application DA-98-12

The proposed condominium development was the subject of Site Plan Control Application DA-98-12 that was approved on July 3, 1998. The Site Plan Agreement has been finalized and registered on title.

The approved site plan is to be developed in two phases. The proposed plan of condominium is for both phases of development.

### ***APPLICANT:***

Crystal Homes (The Park) Corporation (c/o K. DiSilvestro, president), owner 1210800 Ontario Ltd.

### ***SURVEYOR:***

J.P. Nouwens, O.L.S.

### ***LOT SIZE AND AREA:***

The subject lands are irregular in shape and have:

- 72.54 m of lot frontage along Rymal Road East;
- a lot depth of 163 m; and
- a lot area of 13,046 m<sup>2</sup>.

### ***LAND USE AND ZONING:***

|                             | <b>Existing Land Use</b>         | <b>Existing Zoning</b>                              |
|-----------------------------|----------------------------------|---|
| <u>Subject Lands</u>        | Residential (under construction) | "RT-20" (Townhouse - Maisonette) District, modified |
| <u>Surrounding Land Use</u> |                                  |   |
| To the north                | Vacant                           | "AA" (Agricultural) District                        |
| To the south                | Vacant                           | "AA" (Agricultural) District                        |



|             |                              |  |
|-------------|------------------------------|--|
| To the west | Kennel and<br>Hydro Corridor | "AA" (Agricultural) District                 |
| To the east | Townhouse                    | "RT-20" (Townhouse –<br>Maisonette) District |

### **OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposal complies with the Official Plan.

### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "Attached Housing" in the approved Butler Neighbourhood Plan. The proposed plan of condominium complies with the approved Neighbourhood Plan.

### **COMMENTS RECEIVED:**

- The Traffic Department, Transportation, Operations and Enforcement Division has advised of the following:  
  
"As indicated in our comments regarding Site Plan Control Application DA-98-12, that due to the layout of the internal roadways and the operation procedures of the Streets Division, Public Works and Traffic Department, the option of on-site City garbage pick up will not be available. Therefore, we recommend that as a condition of condominium approval notice be registered on title for each unit indicating that on-site City garbage pick up will not be available."
- The Building Department, Community Planning and Development Division has advised of the following:
  - "1. To develop this site as separate parcels of land, the boundary line between Phase 1 and Phase 2 is considered a lot line. Therefore, Blocks B and C on Phase 1 and Block F on Phase 2 require a minimum setback of 3.0 m from the common boundary line and Block J on Phase 2 requires a minimum setback of 6.0 m.
  2. A 1.5 m wide planting strip and a visual barrier is required between the parking area on Phase 2 and the lot line of Phase 1.
  3. Phase 2 land does not have frontage on a street.

4. Right-of-way and/or easement may be required to allow and provide for access to Phase 2 over Phase 1.
5. Due to the irregular shape of the dwelling units, some of the privacy areas appear not to have a minimum depth of at least 2.5 m."

• The Development Engineering Section, Community Planning and Development Division has advised of the following:

- 1) A Municipal watermain is available and is of sufficient size and capacity to service this development directly. The Permit for the connection to the Municipal water distribution system for this development has been issued.
- 2) Municipal storm and sanitary sewers are available and are of sufficient size and capacities to service this development. The Permit for connection to the Municipal storm and sanitary sewer system has been issued.
- 3) There are no road widenings required in connection with this development.
- 4) There will be no Regional share of services to be installed within this development.
- 5) A Joint Sewer and Water Service Agreement with the Region will be required prior to the registration of Phase 2.

The submitted plan, as prepared by J.P. Nouwens, stamped with the date June 2, 1999, is satisfactory to the Community Planning and Development Division subject to the above noted comments."

**COMMENTS:**

1. The proposal complies with the general intent of the Official Plan and approved Butler Neighbourhood Plan.
2. The Traffic Division has advised that on-site municipal garbage pick-up will not be available do to on-site manouvering restrictions. The applicant was advised of this at the site plan review stage at which time it was indicated that a warning clause would be required to be registered on title. Therefore, as a condition of draft plan approval, a warning clause should be registered on title to inform prospective purchasers that on-site garbage pick up by the City of Hamilton will not be available for this site.
3. The proposal complies with the approved site plan. At the time of site plan approval, the applicant was required to incorporate the follow note on the revised drawings:

"Note: If the development proceeds as a condominium project, the phasing lines, as shown on the lands, may have to be revised to allow for the orderly development of the subject lands to ensure that each separate plan of condominium has adequate road access and that the appropriate servicing mechanisms can be established. In this regard, rights-of-way and servicing easements will have to be established for municipal services to ensure that each phase within the subject lands function in conjunction with the other."

In this regard, as a condition of approval the applicant should be required to apply for and receive approval from the Committee of Adjustment to grant an easement over the lands shown as Phase 1 in favour of Phase 2.

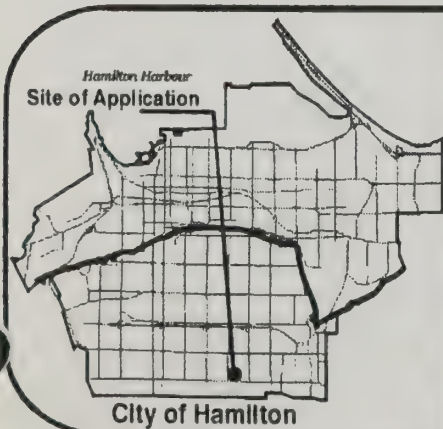
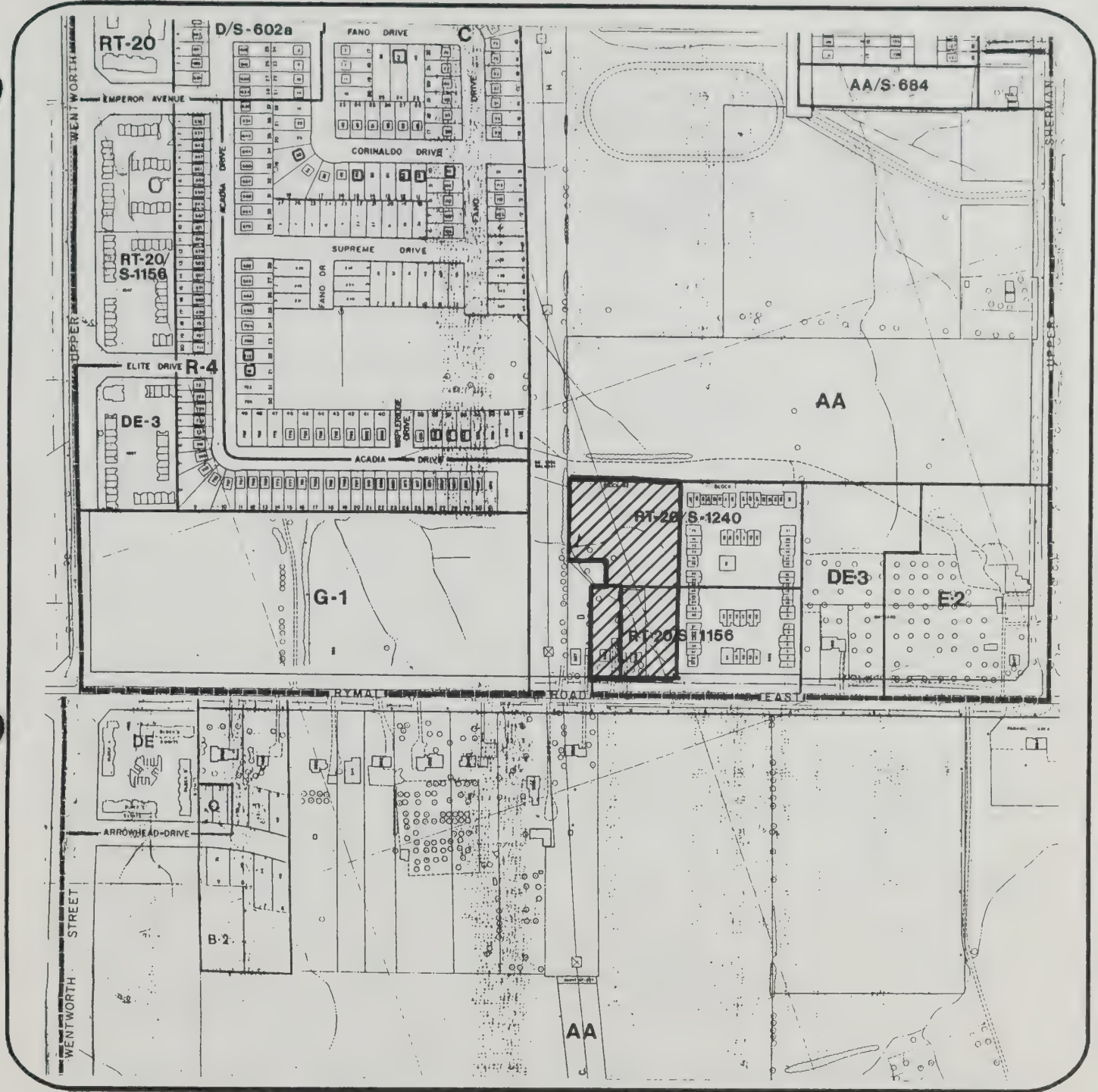
4. The development of the subject lands in 2 phases will result in the creation of 2 separate parcels of land (Phase 1 and Phase 2). Each phase of development must comply with the applicable provisions of the zoning by-law. In this regard, the Building Department has advised that the boundary line between Phase 1 and Phase 2 is considered a lot line. Therefore, the following variances are required:
  - i) Blocks B and C on Phase 1 and Block F on Phase 2 require a minimum setback of 3.0 m from the common boundary line, and Block J on Phase 2 requires a minimum setback of 6.0 m.;
  - ii) A 1.5 m wide planting strip and a visual barrier is required between the parking area on Phase 2 and the lot line of Phase 1;
  - iii) Phase 2 land does not have frontage on a street; and,
  - iv) Due to the irregular shape of the dwelling units, some of the privacy areas appear not to have a minimum depth of at least 2.5 m.

The subject lands will function as one comprehensive development. As such, the variances required are technicalities in nature and can be supported by Development Planning staff in that the variances will not have an adverse effect on the abutting lands and are consistent with the general intent and purpose of the Zoning By-law. It is noted that the applicant has advised that the privacy areas for the units will be revised to ensure compliance with the applicable provisions of the "RT-20" District. In addition, it possible to adjust the boundary line to provide the required 6.0 m setback for Block J on Phase 2. In this regard, prior to registration of the condominium plan, the applicant is required to submit revised drawings for review by Community Planning and Development Division staff for conformity with the approved site plan and Zoning By-law.

## **CONCLUSION:**

Based on the foregoing, the application can be supported.





PLANNING AND DEVELOPMENT DEPARTMENT

## Location Map



Site of Application

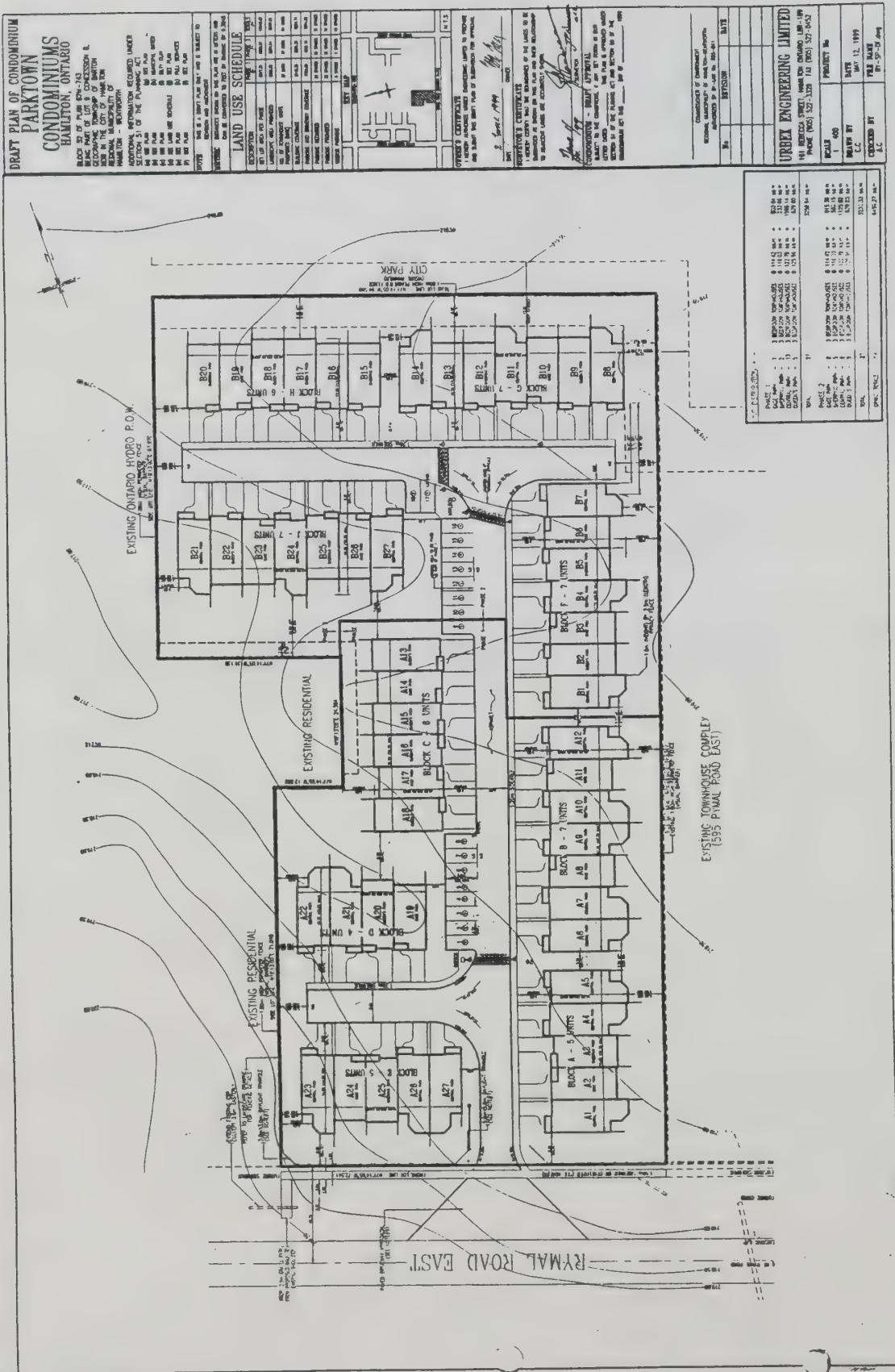
Reference file:  
CDM-99-01

Scale  
Not to Scale

Date  
August, 1999

Technician:  
J.S.





Bii)

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** 1999 August 27

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
404 JACKSON STREET WEST- Tag Number 99-135730  
(99.1.1.A) (PDC 99082)

#### RECOMMENDATION:

That subject to subsection (ii) below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 404 Jackson Street West, in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,

That the Building Commissioner be authorized to issue a demolition permit for the building located at 404 Jackson Street West subject to the following conditions:

- (1) the applicant has applied for and received a building permit for a replacement building on this property; and,
- (2) the said building permit specifies that replacement building be erected within two years of the demolition of the existing building on this property; and,
- (3) the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$20,000; and,
- (4) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk listed below) in a form satisfactory to the Building Commissioner and the City Solicitor; and,
- (5) if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum to the collector's roll, which sum shall remain a lien upon the property until paid.

*Lee Ann Coveyduck*

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A



**BACKGROUND:**

PRESENT ZONING: D (Map W-13)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant Lot

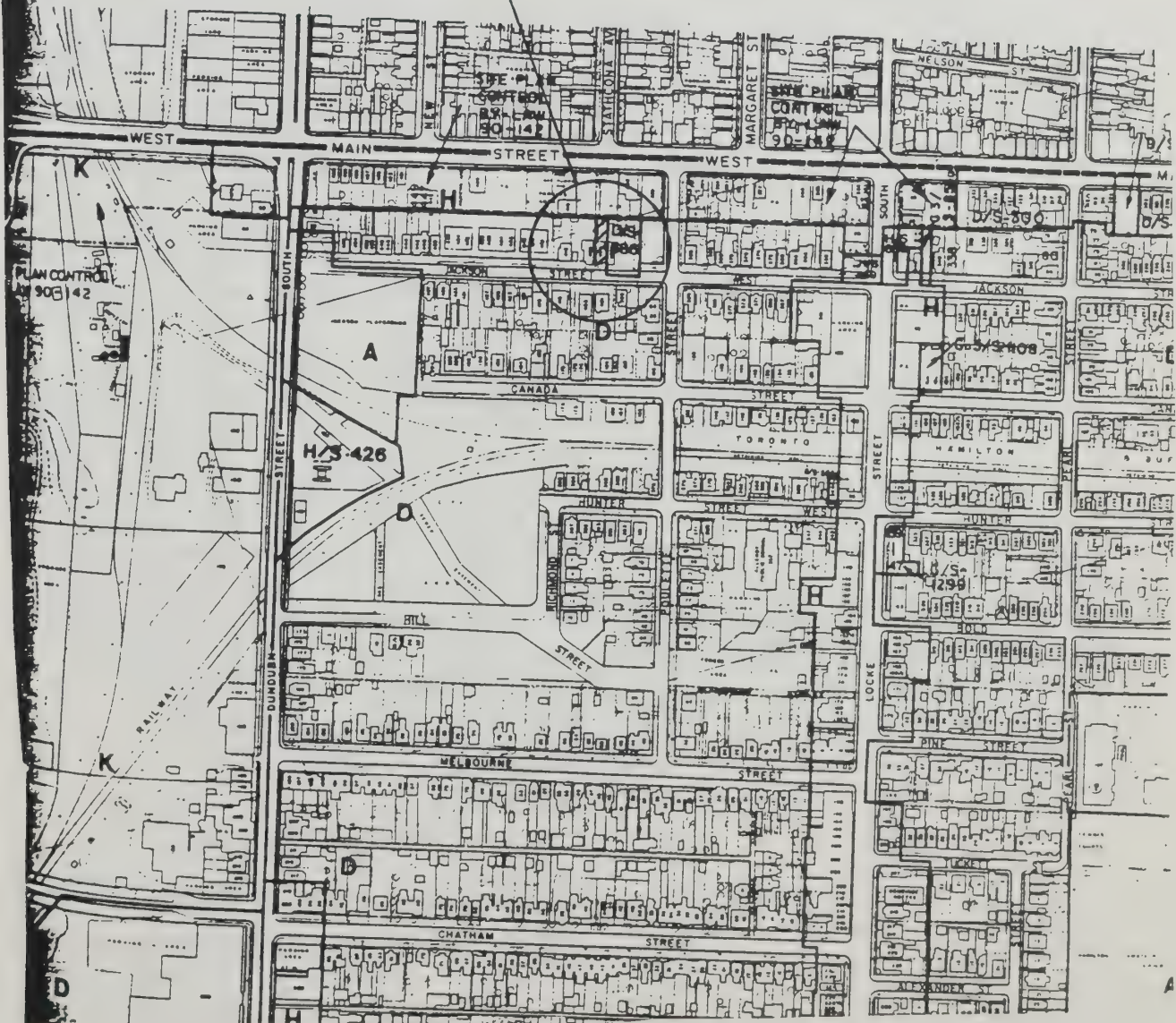
BRIEF DESCRIPTION: The owner proposes to demolish the existing one-storey single family dwelling and leave the lot vacant. An exterior inspection of the dwelling reveals that the dwelling is in good condition and although the proposed use is "vacant lot", numerous telephone inquiries indicating that the use of the property may be for a parking lot. The owner of this property also owns the adjacent lands to the east which were amended in 1980 to permit a parking lot accessory to the restaurant situated to the north of these lands known as 405 Main Street West, which is also owned by the same owner. This property is in the Kirkendall North Neighbourhood and is located in Ward 1 (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 7.62m x 30.48m.

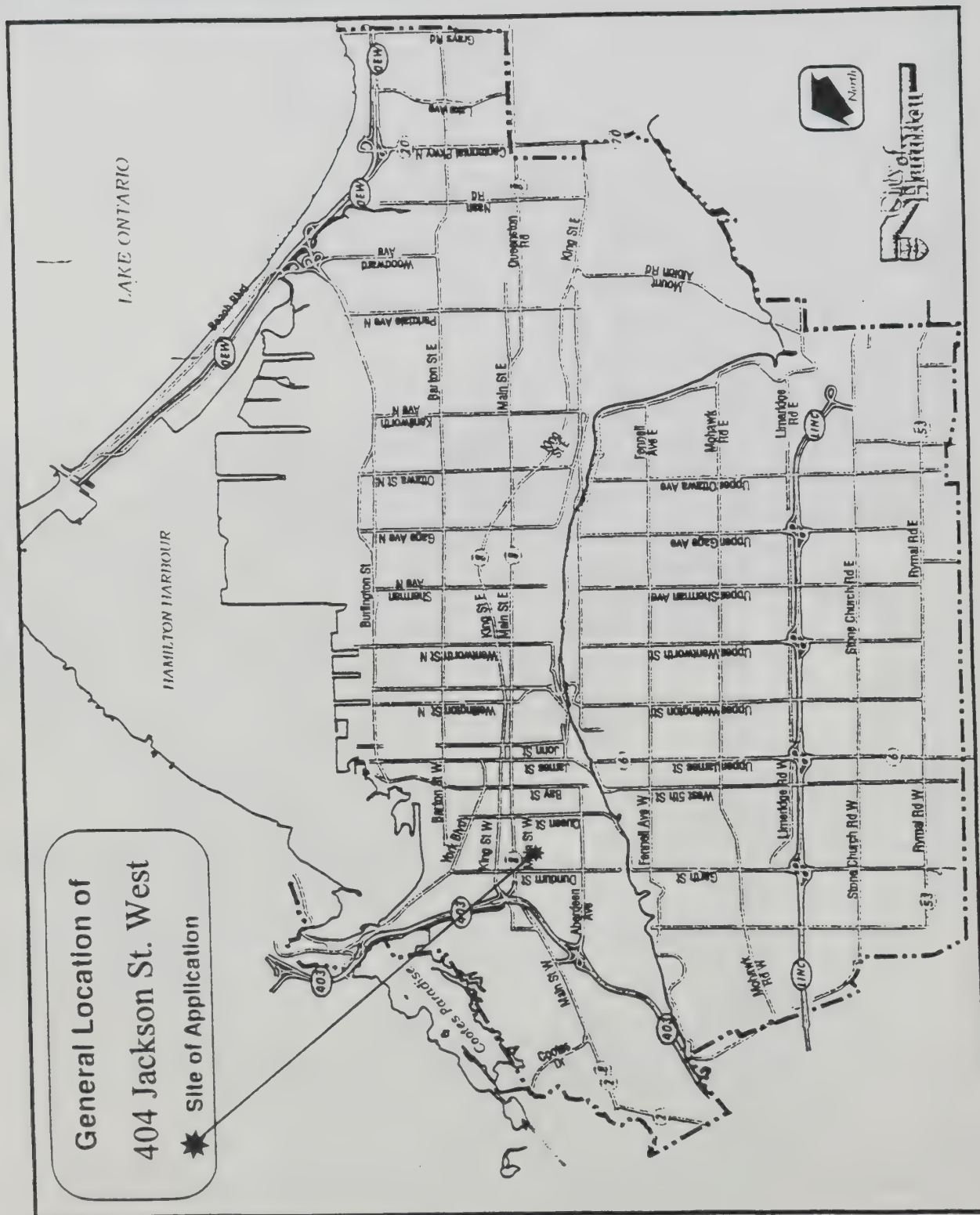
The owner of the property and applicant as per the demolition permit is:

Peter and Georgina Shiavelis  
96 Chatham Avenue  
Hamilton, Ontario L8P 2B4

 FP/zr

Subject Property  
404 Jackson St. West





General Location of

404 Jackson St. West

★ Site of Application



Biii)

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** 1999 August 27

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
20 ADAIR AVENUE SOUTH- Tag Number 99-135798  
(99.1.1.A) (PDC 99081)

#### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 20 Adair Avenue South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A



#### BACKGROUND:

**PRESENT ZONING:** C (Map E-85)

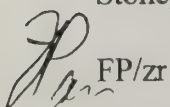
**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Single Family Dwelling

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing single family dwelling and replace it with a new single family dwelling. The Ontario Municipal Board's decision V-910108 permitted the establishment of two building lots each having lot widths of 8.38m and lot areas of 268.1m<sup>2</sup>. This property is in the McQuesten West Neighbourhood and is located in Ward 4 (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 8.38m x 32.0m.

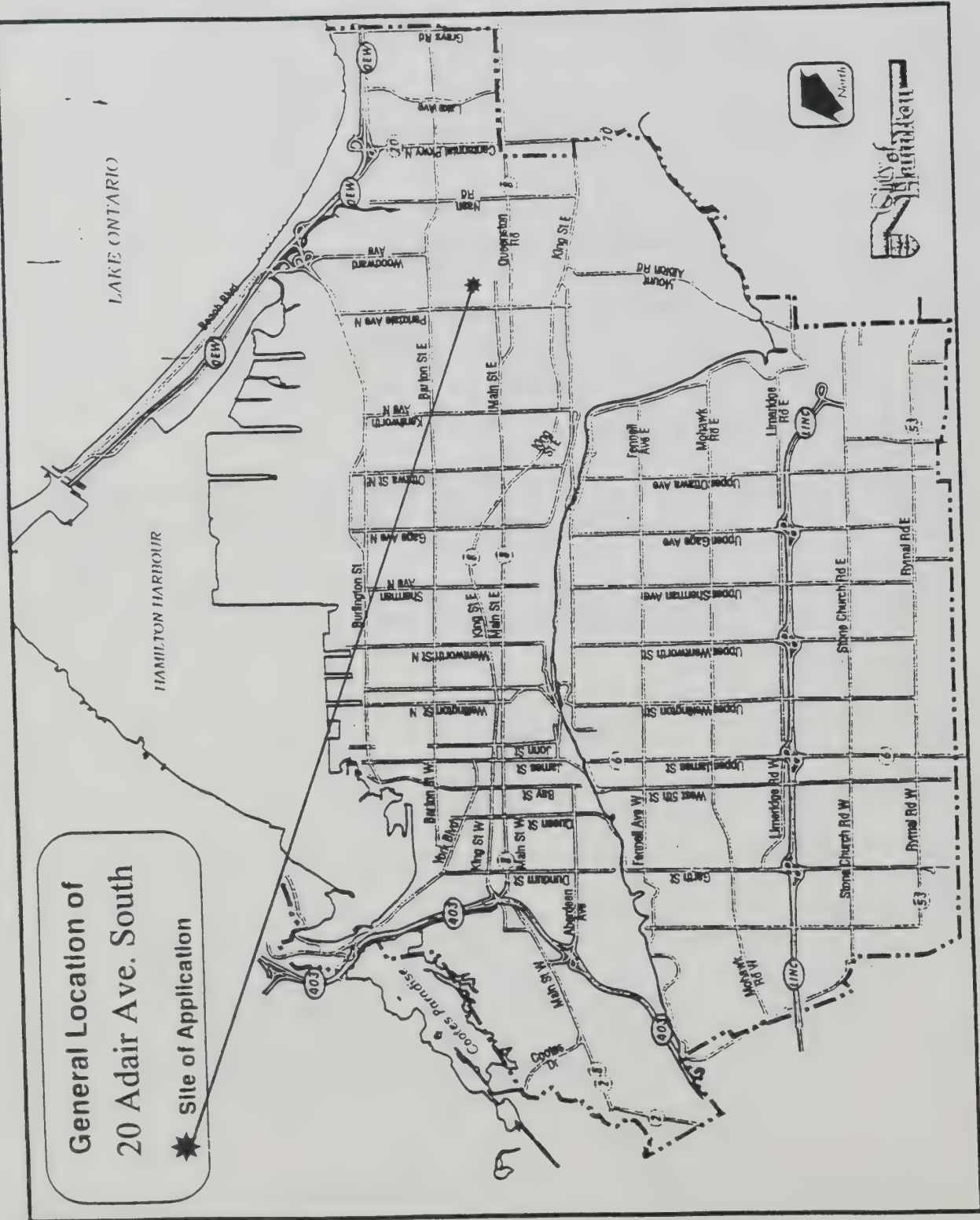
The owner of the property and applicant as per the demolition permit is:

Antonio Paiano  
130 Deerhurst Road  
Stoney Creek, Ontario L8E 3S1

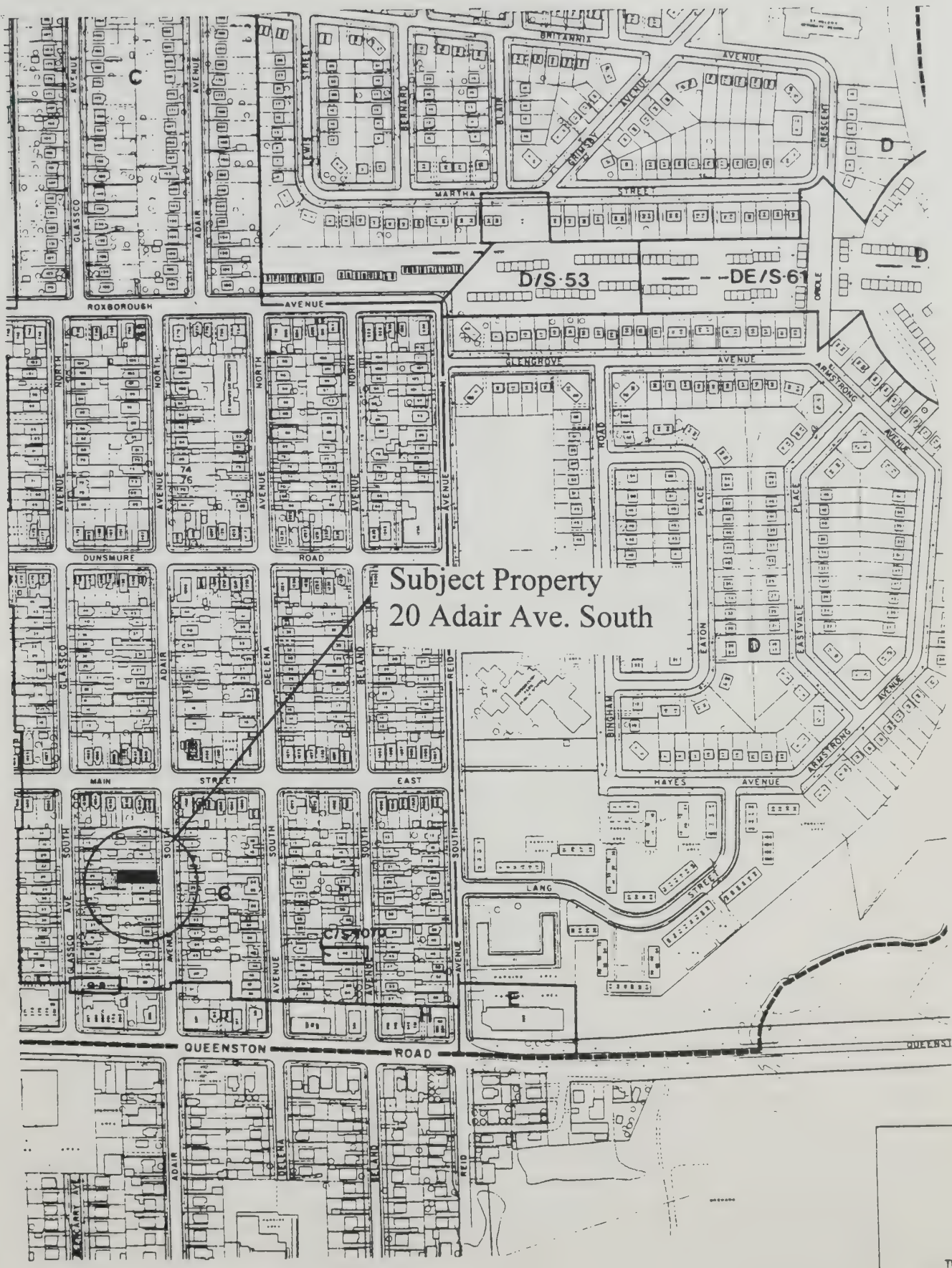
 FP/zr

General Location of  
20 Adair Ave. South

★ Site of Application







Subject Property  
20 Adair Ave. South





B iv)

CITY OF HAMILTON

- RECOMMENDATION -

**DATE:** August 19 1999

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
3 DEXTER AVENUE - Tag Number 99-135732  
(99.1.1.A) (PDC 99083)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 3 Dexter Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

 for L.A. Coveyduck

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** C (Map E-80D)

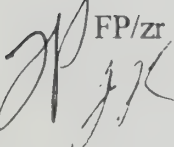
**PREVIOUS USE:** Single Family Dwelling

**PROPOSED USE:** Vacant

**BRIEF DESCRIPTION:** The owner (City of Hamilton) is seeking approval for the demolition of the previous dwelling, which was badly damaged by a fire. The dwelling was originally purchased by the City under the Beach Strip Acquisition Program to provide open space for recreation purposes. A fire has severely damaged the building, and due to the unsafe condition of the dwelling and concern for public safety, the Manager of Facilities Management Department authorized Abbey Demolition to demolish the dwelling without first obtaining a demolition permit. As a result, an Order to Comply for the demolition without a permit has been issued by this Department. Please also note that the Planning and Development Committee previously tabled this application at the meeting of April 23, 1997. This property is in the Hamilton Beach "B" Neighbourhood (please see attached neighbourhood map and city overview map) and is located in Ward 5. No LACAC interest. Lot size 70' x 67.5'.

The owner of the property and applicant as per the demolition permit is:

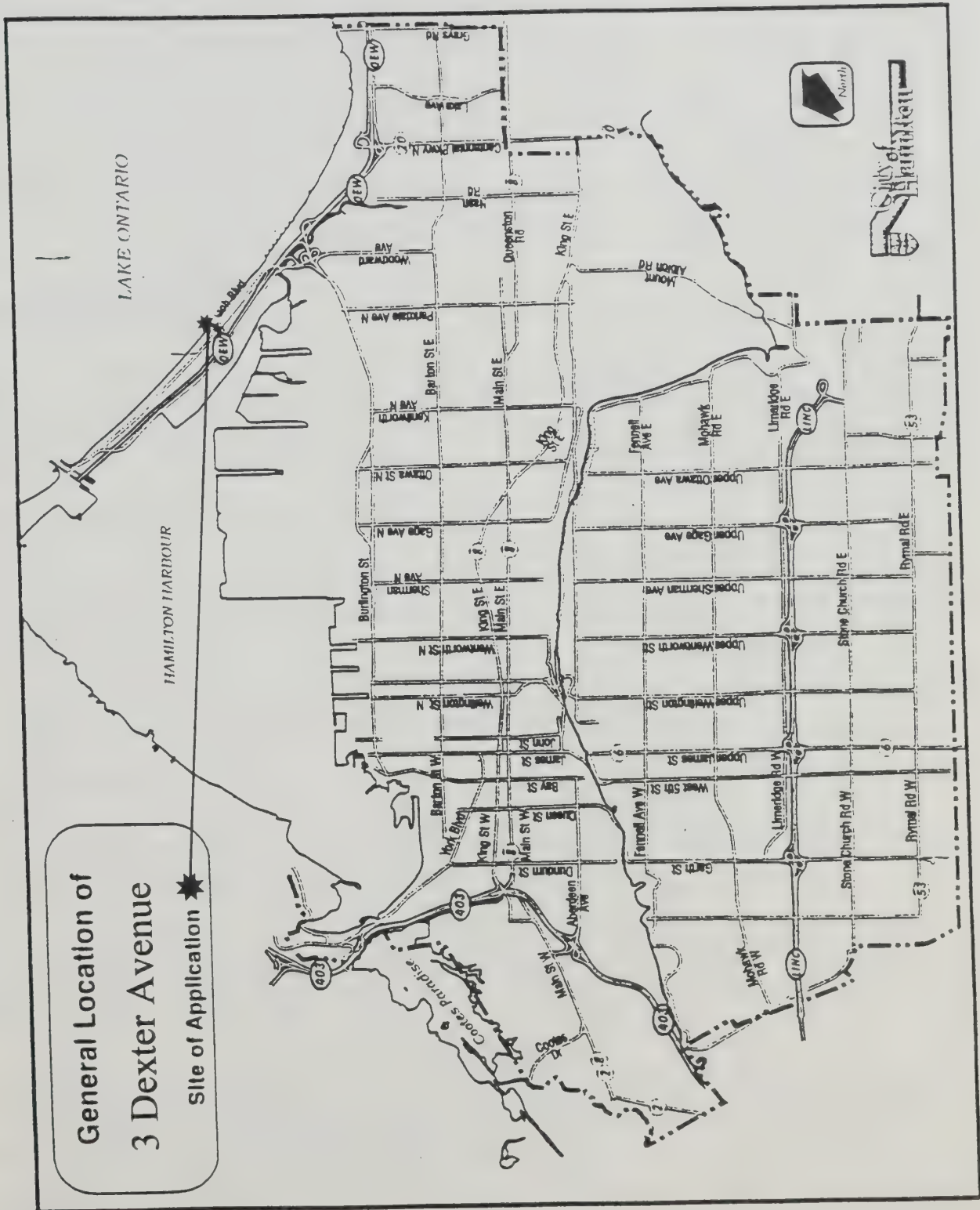
City of Hamilton  
Attention: Facilities Management Department  
c/o Ron D'Angelo  
71 Main Street West  
Hamilton, Ontario L8P 4Y5

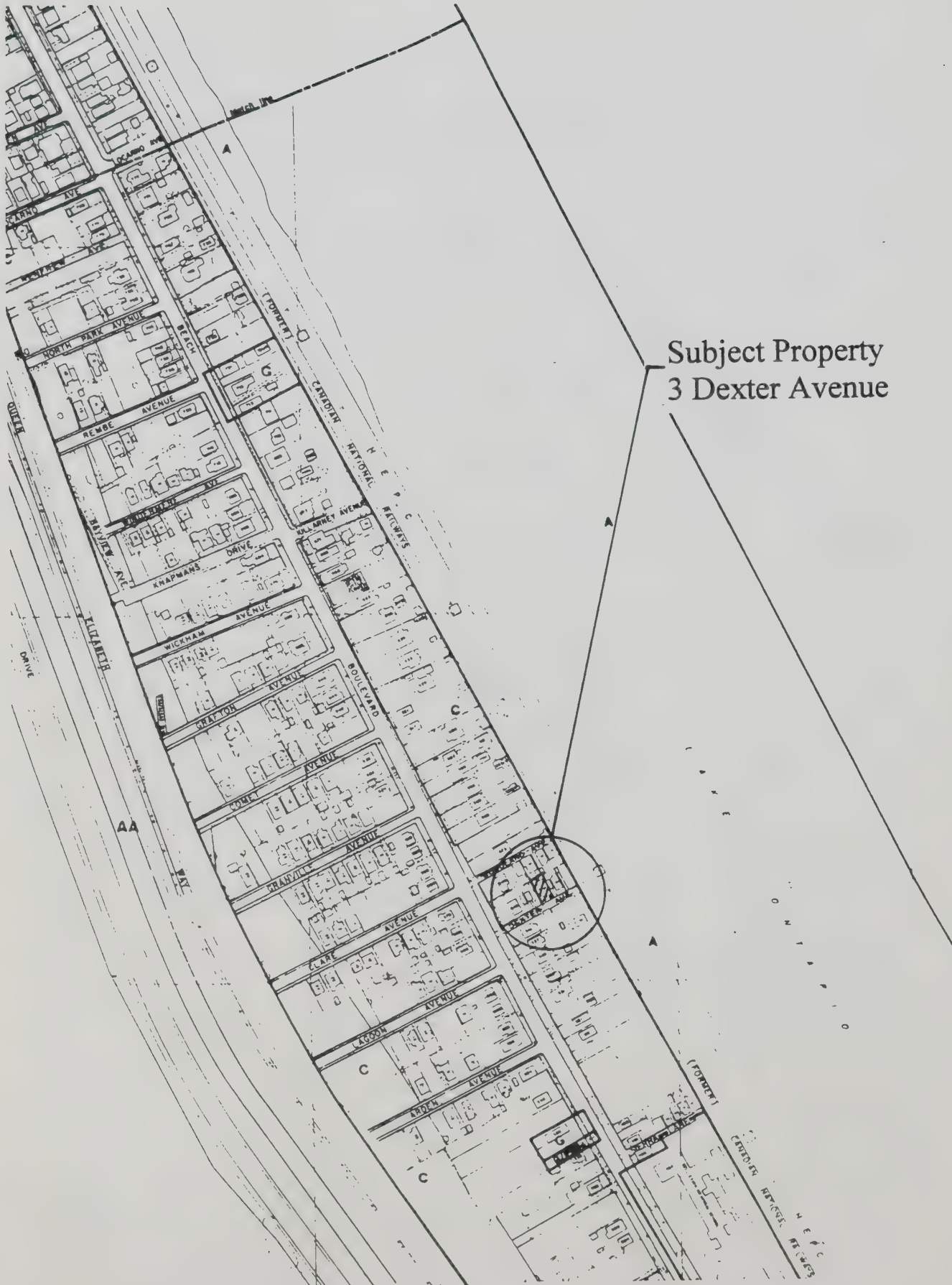
FP/zr  




General Location of  
3 Dexter Avenue

Site of Application ★





Subject Property  
3 Dexter Avenue

# CITY OF HAMILTON

Ci)

## - RECOMMENDATION -

**DATE:** September 15, 1999

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Charlene Touzel, Secretary  
Local Architectural Conservation Advisory Committee

**SUBJECT:** Heritage Permit – Erection of Pier for Commemorative Plaque, St. Clair Avenue and St. Clair Boulevard Heritage Conservation Districts (PDC99095)

### RECOMMENDATION:

That a Heritage Permit be approved for the erection of a brick pier to hold a Commemorative Plaque for the St. Clair Avenue and St. Clair Boulevard Heritage Conservation Districts, on the north island of the median strip of St. Clair Boulevard, as shown on the drawings attached hereto and marked as Appendix "A".

*George*

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In accordance with the provisions of Part V of the Ontario Heritage Act, any alterations or additions to a Heritage Conservation District require Council approval through the Heritage Permit process.

Costs associated with the construction of the supporting pier for this bronze plaque will be paid for by the residents of both Heritage Conservation Districts.

### BACKGROUND:

A City of Hamilton Commemorative Plaque was awarded to these two abutting Heritage Conservation Districts at the 1999 Heritage Day Ceremonies

Costs associated with the construction of the supporting pier for this bronze plaque will be paid for by the residents of both Heritage Conservation Districts. It is proposed that the City would then assume ownership of the pier for liability and maintenance purposes.

The pier is to be constructed of double brick capped with concrete and will measure 2.5 meters wide and 1.3 meters high. It will be centred on the median strip and will be set back nine metres from the curb of Delaware Avenue.

attached

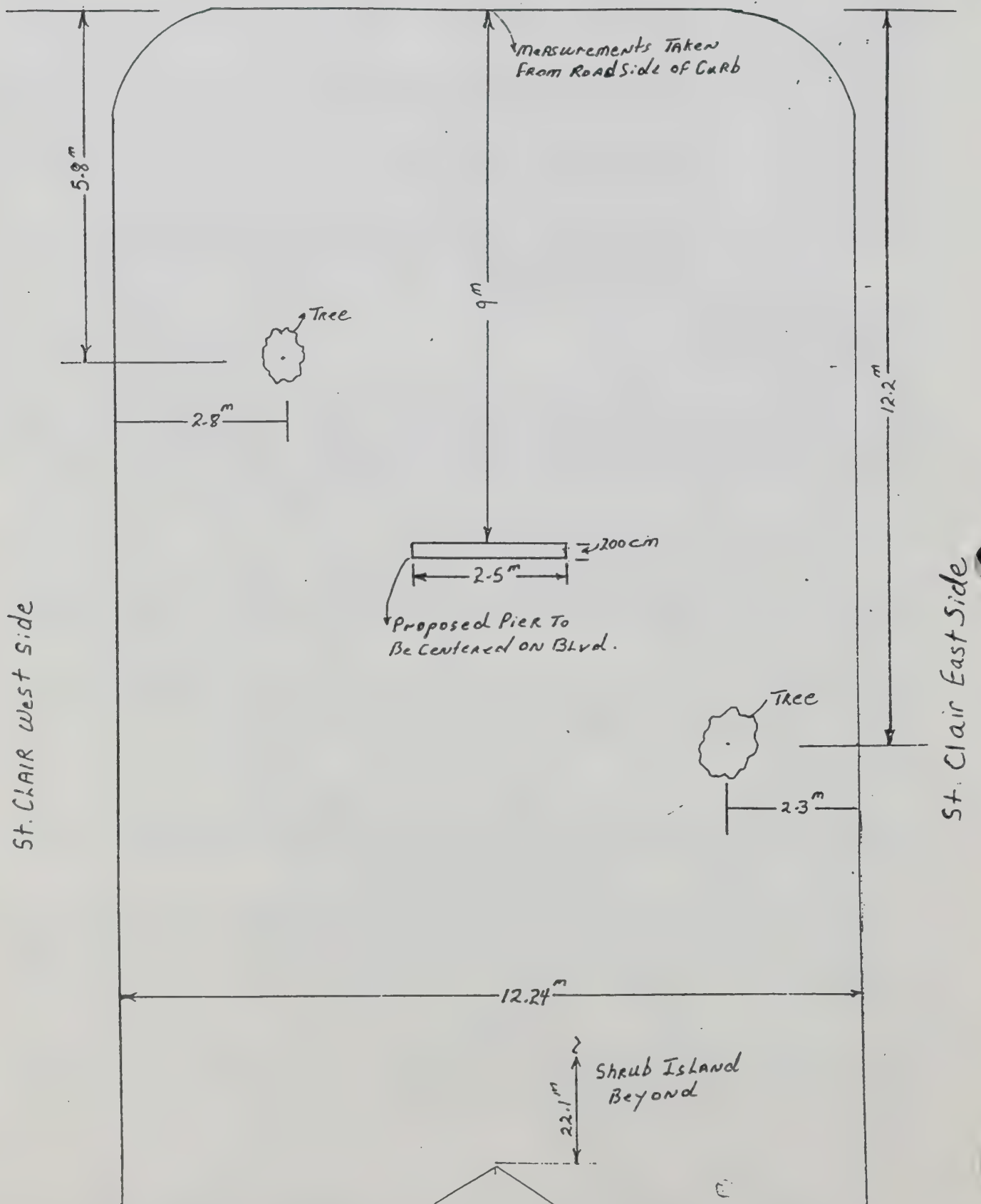
cc L. Coveyduck, General Manager, Community Planning and Development  
Division  
G. Aston, Transportation, Operations and Environment Division  
Nina Chapple, Community Planning and Development Division

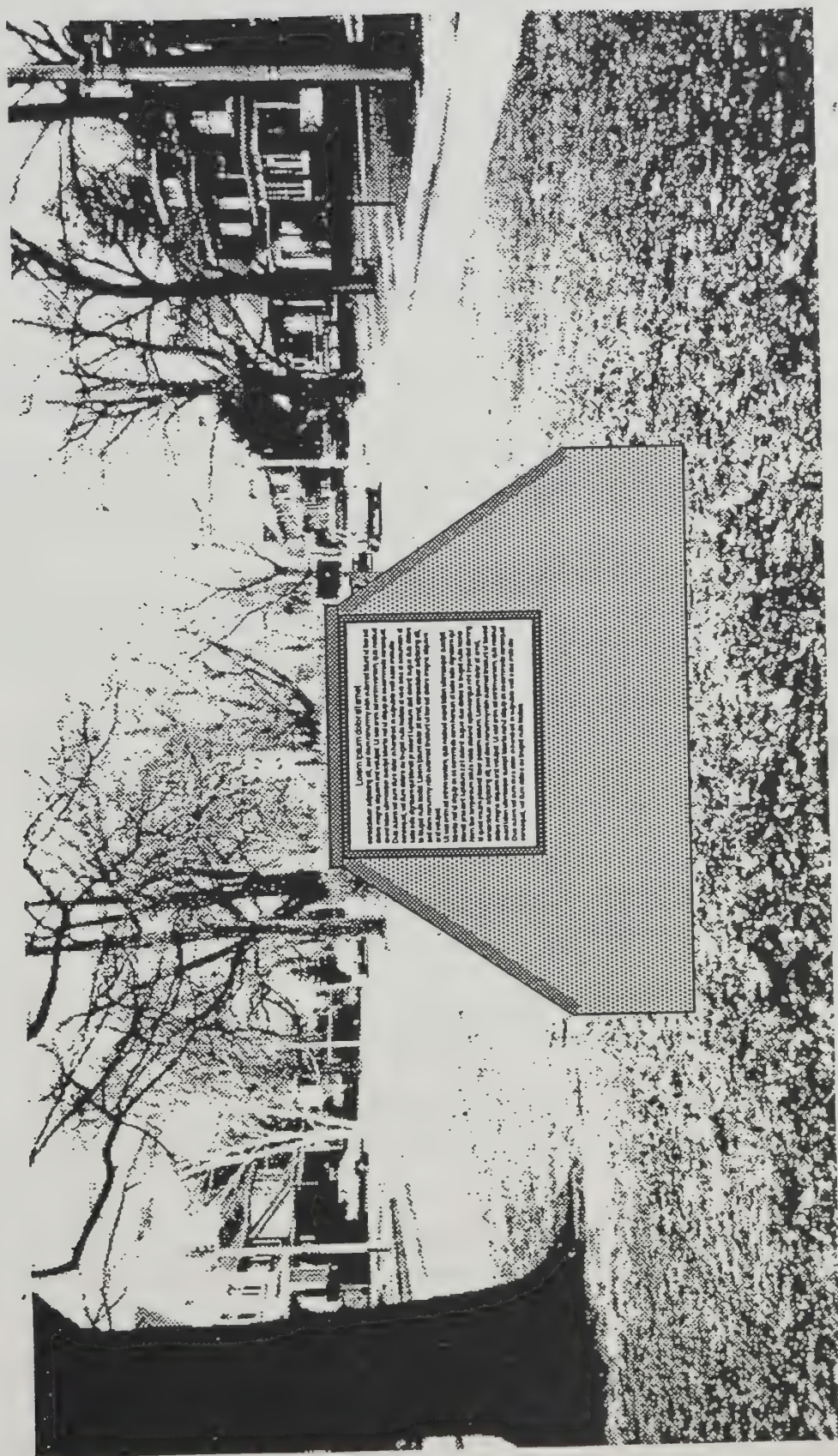


Scale 20/1

DELAWARE Ave.

APPENDIX "A"









# CITY OF HAMILTON

Cii)

## - RECOMMENDATION -

**DATE:** September 14, 1999

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Charlene Touzel, Secretary  
Local Architectural Conservation Advisory Committee

**SUBJECT:** Heritage Permit – CN Station (PCD99094)

### RECOMMENDATION:

That a Heritage Permit be approved for the following alterations to the CN Station, 360 James Street North, to be converted to a banquet and training facility for the new owner, the Laborers' International Union of North America:

- a) extension of the stone landing in front of the main entrance (new limestone to match existing as closely as possible) and, the installation of two ramps and railings for barrier-free access (parallel to the façade); and,
- b) removal of the rear exterior ramp and stair enclosures attached to the concourse with the steel stairs and structures of the ramp/stair wells remaining in the areas not damaged by fire, and, the removal of the lower section of the partially surviving ramp at the north-east corner of concourse (east of the existing stairway); and,
- c) exterior alteration on the east façade to allow for the construction of a service ramp from the new kitchen to the main floor of the concourse; and,
- d) removal and replacement of all exterior windows with new windows to replicate the appearance of the original ones; and,
- e) removal of the baggage counters and marble cladding from the east wall of the lobby to be replaced with ornamental metal doors to the corridor and elevator entrance; and,
- f) covering of the glazed brick masonry interior walls of the concourse with drywall, and, covering of the plaster ceiling with fire retardant fabric.

*Charlene Touzel*

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In accordance with the provisions of Part IV of the Ontario Heritage Act, any alterations or additions to features identified in the Reasons for Designation require Council approval through the Heritage Permit process.

The designated elements of the CN Station include the original features of the facades of the main building and attached concourse as well as the original interior features of the main floor lobby areas, ramp and concourse.

The CN Station is both designated under the Ontario Heritage Act and protected by a Heritage Easement Agreement with the Ontario Heritage Foundation (OHF). The above-noted alterations, as well as all other alterations, which do not require a Heritage Permit, will also need to be approved by the OHF.

#### **BACKGROUND:**

One of the two remaining enclosed stair and ramp wells from the concourse to the track level was badly damaged by a fire in October, 1998 (east side of concourse). In December, 1998, permission was granted by the Historic Sites and Monuments Board of Canada to the owner, Canadian National, to demolish only the central section, which was found to be structurally unsound. The Board did not approve CN's request to entirely remove both stair and ramp wells.

The alterations to the CN Station, as identified above, were approved by the Local Architectural Conservation Advisory Committee at its meeting held September 13, 1999.

cc L. Coveyduck, General Manager, Community Planning and Development  
Division  
N. Chapple, Community Planning and Development Division

D:)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** September 14, 1999

**REPORT TO:** Alderman F. D'Amico, Chairperson & Members,  
Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** Information Items

**RECOMMENDATION:**

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) General Manager, Community Planning and Development Division, re: Revision of Owner Responsibility and Acknowledgement clauses in Planning Application forms (PDC99066) dated August 16, 1999.
- (b) Office of the Minister of Transport re: Hamilton Harbour Commissioners' Land Use and Development Bylaw dated August 25, 1999.
- (c) Secretary, LACAC re Minutes of the meeting held July 12, 1999 dated September 13, 1999.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

*Tina Agnello*





CITY OF HAMILTON

Dii)

- RECOMMENDATION -

**DATE:** 1999 September 16

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** Authorization to Attend-Making Cities Livable Conference-  
November 1 -5, 1999

**RECOMMENDATION:**

That the Chairman or his designate be authorized to attend the Making Cities Livable Conference to be held on Carmel, California November 1 to 5, 1999 and that all costs be charged to account No. 56325-300120

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Costs of Conference to be charged to Aldermen's Travel Account No. 56325-300120.

**BACKGROUND:**

The IMCL Conferences bring together representatives with a wide range of disciplines and interests dealing with issues including but not exclusive to municipal planning. The November Agenda has many sessions which will have relevant application for the City of Hamilton. A copy of the Preliminary program is attached hereto.

# Making Cities Livable Conferences

Making Cities Livable Publications

Lina Agnello  
JUN 28 1999

## Director

Suzanne H. Crowhurst  
Lennard

## Advisory Board:

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Peter Breiting (Graz)  
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Hartmut Topp  
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Mayor Hermann Vogler  
(Ravensburg)

Suzanne H. Crowhurst  
Lennard Ph.D. (Arch.)

## Director

IMCL Conferences  
P.O. Box 7586  
Carmel, CA 93921 USA  
Tel: 831-626-9080  
Fax: 831-624-5126

Dr. Sven von Ungern-  
Sternberg  
Regierungspräsident  
State of South-Baden  
Kaiser Joseph Strasse 167  
D-79098 Freiburg i.B.  
GERMANY  
Tel: (0761) 208-1000

June 16, 1999

Dear IMCL Participant,

Thanks to the many IMCL contributors over the years, and to all of you who have been able to use IMCL resources to achieve improvements in livability in your own cities, the International Making Cities Livable Movement has made an impact on the national US agenda, and many of the IMCL principles have been adopted by cities in Canada, Europe and Australia.

At the last IMCL Conference in 1999 (in Carmel), and at the first IMCL Conference in 2000 (in Charleston), we hope to celebrate the achievements of this Movement by inviting previous participants to talk about your own activities that have contributed to our joint goals. Let us know if you would like the opportunity to tell other participants about your work.

As you know, three IMCL Conferences are scheduled for 1999 and 2000 (Carmel, Nov. 1-5, 1999; Charleston, Feb. 13-17, 2000 and Vienna, Austria, July 4-8, 2000). In addition to the usual broad array of topics, each Conference will also devote some time to a special theme:

Carmel - *The Real City and the Virtual City; The Socially Sustainable City*  
Charleston - *The Future of the City and Region in the 21<sup>st</sup> Century*  
Vienna - *The Rediscovery of Public Space; The Child & Family Friendly City*

Since many organization now offer conferences and seminars on issues of city livability, we call your attention to what is unique about the IMCL Conferences, and what makes them different from more specialized professional and municipal conferences.

The IMCL Conferences bring together representatives from cities and towns in many countries, with a wide range of disciplines and interests, from architecture and planning to politics, social sciences, the health professions and the arts.

Every effort is made to decrease professional jargon, and to have speakers present work and ideas in a form intelligible to non-specialists, especially to political leaders who must be informed, and make decisions on many aspects of city life.

Our concern is that the values underlying decisions in urban policy, urban design, architecture and planning place high priority on the well-being of all of the city's inhabitants, especially its children, youth and the elderly.

See page 2



page 2  
Crowhurst Lennard  
June 16, 1999

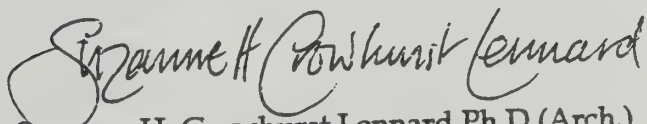
Conferences are held in cities and towns with a special character and identity from which lessons can be learned, but that also recognize that the expertise and resources of the IMCL group can assist them in resolving issues that face their city.

Though we have met in Carmel and Charleston before, both locations offer charming conference settings, and both are close to places of historic and cultural interest and natural beauty.

Next year, for the first time, we shall meet in Vienna, a great cultural center, with many good examples of efforts to make the city more livable for children and youth, but a city that, nonetheless, is faced with inappropriate development, not unlike challenges facing North American cities.

It will be a great pleasure to see you again at one of the forthcoming IMCL Conferences. It is only a continuity of participation that makes possible the sharing of ideas and the development of personal and working relationships. These provide the impetus for the future success of all of our efforts to make our cities more livable.

With best regards,



Suzanne H. Crowhurst Lennard Ph.D.(Arch.)  
Director, International Making Cities Livable Conferences

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<sup>i</sup> Now somewhat different from that in the original flier

# Join Colleagues at the **Making Cities Livable Conferences**

Carmel, CA, Nov. 1999

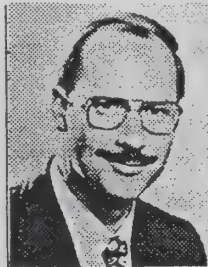
Charleston, SC, Feb. 2000

Vienna, AUSTRIA, July 2000



The principles of the **International Making Cities Livable Movement**, initiated in 1985 to make our cities and communities more livable, have become part of a national US agenda, and are being applied by many cities in Europe and other parts of the world.

In the next twelve months, world leaders, city officials, practitioners and scholars in architecture, urban design, planning and urban affairs will gather three times – in Carmel, CA, Charleston, SC and Vienna, Austria, to exchange experiences and ideas to improve city livability.



High on the agenda for **CARMEL** will be **Cyberspace, Y2K & the Sustainable City** –

short term strategies for handling urban residents' problems at the start of the new Millennium, and long term policies for **21<sup>st</sup> Century Sustainable Cities**.

The **CHARLESTON** Conference will focus on the **21<sup>st</sup> Century Sustainable City**. The program will emphasize principles and achievements in creating the **City of Short Distances**, including strategies to strengthen community, rebuild city centers, and replan suburbs.

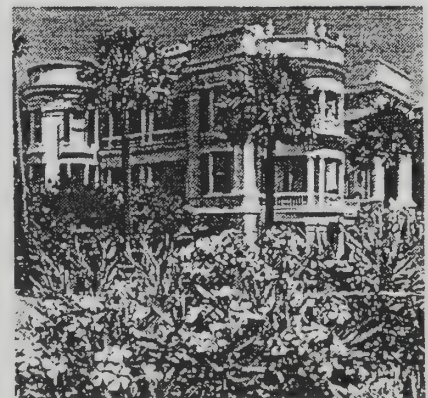
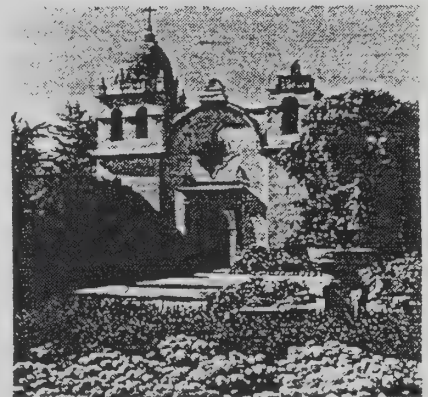
The focus of the **VIENNA** Conference will be creating **Public Places** and the **Family-Friendly City** – to provide a healthy social environment for families, children and youth, as well as working adults. Strategies include plazas and streets that support social life, city- and suburb-wide integrated transportation, and a family-friendly urban fabric.

## **IMCL Board & Invited Speakers**

Vera Danyluk, Chairman, Urban Community, Montreal, CANADA; Derek Drummond, Vice Principal & MacDonald Prof., McGill Univ., Montreal, CANADA; Dietmar Hahlweg, Mayor (a.D.), City of Erlangen, GERMANY; Daniel Kemmis, Director, Ctr for the Rocky Mountain West, Missoula, MT; William C. Kueffer, AIA, Arch., Santa Fe, NM; Gianni Longo, Pres., Urban Initiatives, NY; Donald MacDonald FAIA, Arch., San Francisco, CA; Mayor Robert Morrow, City of Hamilton, ON, CANADA; Prof. Peter Novak, Ulm Univ. Medical School, Ulm, GERMANY; Prof. Patrick J. Quinn, FAIA, Former Pres., Assoc. of Coll. Schools of Arch, Troy, NY; Mayor Joseph P. Riley Jr., City of Charleston, SC; Klaus Semsroth, Dean, School of Arch. & Planning, Tech. Univ., Vienna, AUSTRIA; Prof. Edoardo Salzano, Dean, Urban Planning, Venice Univ., Venice, ITALY; Jane Thompson, Thompson Design Group, Boston, MA; Dr. Sven von Ungern-Sternberg, Governing President, State of South Baden, GERMANY

*A wonderful Conference. I truly believe this is the best Conference on cities.*

**Mayor Joseph P. Riley Jr.**  
City of Charleston





25<sup>th</sup> International Conference on

## *Making Cities Livable*

### **Cyberspace, Y2K & the Sustainable City**

*Carmel, CA, Monday, Nov. 1 - Friday, Nov. 5, 1999*



#### **Preliminary Program** (subject to modification)

##### **Monday, Nov. 1**

2:00- 5:30 Registration, Exhibits,  
*Walking Tours*  
6:00- 7:00 *Welcome Reception*

##### **Tuesday, Nov. 2**

9:00- 9:30 Welcome  
9:30-11:00 **21<sup>st</sup> C. Sustainable City**  
Social Sustainability  
City of Short Distances  
Mixed Use Fabric  
Compact City  
Cellular Structure  
Accessibility  
11:00-12:00 **The Sociable City**  
Remaking Community  
12:00- 2:30 **Conf. Awards Luncheon**  
2:30- 5:30 **Y2K Strategies**  
Building Cooperation  
Millennium Holiday  
6:00- 7:00 *Reception*

#### **Call for Papers**

Those wishing to present papers on conference themes and related topics should send a 150-200 word abstract for consideration before July 15<sup>th</sup> to the Program Committee Chair.

#### **Registration**

Registration fee includes Receptions, and walking tours.

#### **Cancellation**

Full refund less \$70 processing fee if cancellation in writing postmarked before September 15.

##### **Wednesday, Nov. 3**

9:00-11:00 **Virtual City & Plaza**  
Human Contact  
Plazas for People  
New Urban Spaces  
Design Principles  
Community Festivals  
11:30-12:30 **Cyberspace & Y2K**  
Sprawl & Cyberspace  
Quality of Social Life  
2:00- 3:50 **Sustainable Region**  
Transforming Suburbs  
Restructuring Malls  
Heart Implants  
Reshaping Sprawl  
Accessibility  
7:00- 9:00 *Discussion Dinner*



#### **Hotel Accommodations**

The charming, historic, beautifully landscaped La Playa Hotel is holding special rate rooms for participants (\$137/\$157). Call 831-624-6476 mentioning the Conference.

Send paper proposals & registration to:  
**Suzanne H. Crowhurst Lennard**  
Ph.D.(Arch.)  
Program Committee Chair  
25<sup>th</sup> IMCL Conference  
P.O. Box 7586, Carmel, CA 93921  
USA  
Tel: 831-626-9080 Fax: 831-624-5126

##### **Thursday, Nov. 4**

9:00-10:30 **Sustainable Access**  
Light & Micro Rail  
Bicycle Networks  
Modal Integration  
Greenway Transit  
11:00-12:30 **Traffic Calming**  
Streetscape Details  
Redesign Arterials  
Woonerven  
2:00- 5:30 **New Urban**  
**Neighborhoods**  
Micro-Cities  
Heart & Boundary  
Architectural Identity  
Shop/House  
City Case Studies

##### **Friday, Nov. 5**

9:00- 12:00 **Issues Facing**  
**Monterey Bay Cities**

Registration form  
**25<sup>th</sup> IMCL Conference**  
**Carmel, CA, Nov. 1-5**

\$420 before July 1

\$490 before Sept. 1

\$560 after Sept. 1

Conf. Awards Luncheon \$25 ☐

Discussion Dinner \$31 ☐

Check for \$ \_\_\_\_\_ enclosed  
made out to **Making Cities Livable**.  
Check must be in US dollars, drawn on  
US bank.

Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Tel: \_\_\_\_\_

Fax: \_\_\_\_\_





CAY ON HBL AOS  
C51P4  
1999



NOTICE OF MEETING

**PLANNING AND DEVELOPMENT COMMITTEE**

Wednesday, October 6, 1999  
9:30 o'clock a.m.  
Room 233, City Hall

URBAN MUNICIPAL

OCT 18 1999

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary  
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 99-31, and Plan of Subdivision 99-02, by Sam Consentino, owner, for a change in zoning from "A-1" District to "C" District for lands located at the rear of 163 Stone Church Road East. (PDC99091)
  2. Zoning Application 99-32, by Maria Bortolotto, owner, for a change in zoning from "AA" District to "C" District, for lands located at the rear of 843 West 5<sup>th</sup> Street. (PDC99090)
  3. Zoning Application 99-33 by Sabatino Manganiello, owner, for a change in zoning from "AA" District to "R-4" District, for the rear portion of the property at 1476 Upper Gage Avenue. (PDC99096)
- (a) **Submission** : Joseph and Joan Salgo, 19 Duncombe Blvd., Scarborough





**PLANNING AND DEVELOPMENT COMMITTEE**  
**Wednesday, October 6, 1999**

**2.**

**4.     MAYOR R. MORROW**

Suzanne H. Crowhurst Lennard & Henry L. Lennard  
Making Cities Livable Conferences  
Re: Report for the City of Hamilton

**5.     CONSENT AGENDA**

**6.     OTHER BUSINESS**

**7.     ADJOURNMENT**



# PLANNING AND DEVELOPMENT COMMITTEE OUTSTANDING LIST

| N<br>o | Item  | Original<br>Date  | Action  | Status  |
|--------|---|-------------------|---|---|
| 1.     | Hamilton Harbour Land Use   | 1997 February 19  | Staff report on site plan control procedures and incineration as a use on Harbour Lands | Report forthcoming                                    |
| 2.     | Boulevard Policy for New Subdivisions   | 1997 July 2       | Staff directed to prepare report  | Report forthcoming                                    |
| 3      | Licensing of New Hazardous Waste Sites  | 1997 August 20    | Referred to Planning and Law Department Staff for report                                | Pending   |
| 4.     | ZA 98-26, 334 East 14th St.   | 1998 September 23 | Proponents to meet with residents to resolve concerns                                   | To be lifted from the table 1998 October 21           |
| 5.     | Radial Separation for residential and short term Facilities                                     | 1998 December 2   | Staff to prepare report   | Report Pending  |
| 6.     | Detention centre as use in H district   | 1998 December 2   | Staff to prepare report   | Report pending  |
| 7.     | Request for Parkland Credit-Starward Homes and development of Policy regarding Stormwater Ponds | 1998 December 2   | Staff to prepare a report   | Report Pending  |
| 8.     | Referral from Committee of the Whole- Increase in Beds or Services at 94 York Blvd.             | February 17, 1999 | Tabled pending staff report   | Report Forthcoming                                    |
| 9.     | CI-96-I Elimination of Residential Parking and Loading Requirements in the Downtown             | Aug 11, 1999      | Staff to report on impacts  | Report to be brought back before the end of year 2000 |
| 10.    | Review of Derelict Buildings  | Aug 11, 1999      | Staff to prepare a report   | Report Forthcoming                                    |
| 11.    | ZAC-99-20, 1359 Upper James Street  | Aug 11, 1999      | Tabled  | To come back Sept 22, 1999                            |
| 12.    | East Mountain Industrial Business Park Neighbourhood Plan                                       | Aug 11, 1999      | Tabled in order to resolve concerns   | Tabled<br>September 30, 1999                          |





1.

## CITY OF HAMILTON - RECOMMENDATION -

**DATE:** 1999 September 21  
SA-99-02 and ZAC-99-31  
Jerome Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Request for approval of a draft plan of subdivision "Dallia Estates" and a change in zoning for lands at the rear of 163 Stone Church Road East (PDC99091)

**RECOMMENDATION:**

- A. That approval be given to Subdivision Application 99-02, (Regional File No. 25T-99007), Sam Consentino, owner to establish a draft plan of subdivision "Dallia Estates", on lands located north of Stone Church Road East and east of Pineridge Drive in the Jerome Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- i) That this approval apply to the plan prepared by Ashenhurst Nouwens Limited and certified by John P. Nouwens, O.L.S., dated July 2, 1999, showing 12 lots for single detached dwellings, 1 block for road widening purposes, 1 block being a 0.30 m reserve, and one street being the extension of Pineway Avenue, attached as Appendix "B";
  - ii) That the owner prepare and submit, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, a municipal street numbering plan;
  - iii) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;
  - iv) That the final plan conform with the Zoning By-law approved under the Planning Act;
  - v) That the owner provide the City of Hamilton with a certified lost showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;

- vi) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act;
- vii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
- viii) That the Owner agree to include the following warning clause to be registered on title of Lots 1 – 3, inclusive, within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director, Land Development Department, Community Planning and Development Division and the City Solicitor:

*"Purchasers are advised that noise levels originating from Stone Church Road East may become of concern, occasionally interfering with some activities of the occupant."*

- ix) That the applicant/owner carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found.

No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Citizenship, Culture & Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

- x) That the applicant/owner dedicate Block 13 on the submitted draft plan, which is shown as a 5.18m road widening to the Region of Hamilton-Wentworth by Certificate on the Final Plan for road widening purposes.
- xi) That Lots 10 to 12 (inclusive) not be developed until such time that sanitary and storm sewers, water and the abutting east-west neighbourhood street on the north side of these lots is established and constructed to its full width.
- xii) That the applicant/owner be responsible for all servicing costs for the "future east-west street" currently owned by the Board of Education from the west limits of Lot 12 to the east limits of Lot 10.
- xiii) That a 0.30m reserve, shown as Block 14 on the submitted draft plan be established and dedicated to the City of Hamilton by deed.



- xiv) That any phasing of this development and any temporary works required to accommodate the same, be to the satisfaction of the Community Planning and Development Division.
  - xv) That the applicant/owner include 1.0m boulevards in the typical cross-section for this development.
  - xvi) That the removal of any street trees must be approved by the Forestry Section of the Transportation and Operations Division and all costs associated for removal and replacement of the street trees be the sole responsibility of the applicant/owner.
  - xvii) That Lots 1 and 2 not be registered until such time as the existing dwelling has been demolished to the satisfaction of the Building Commissioner.
  - xviii) That Lots 9, 10, 11 and 12 not be registered until such time as Lots 10, 11 and 12 have direct frontage onto a public highway to the satisfaction of the Director, Land Development Department, Community Planning and Development Division.
  - xiv) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the Region of Hamilton-Wentworth and the City of Hamilton.
- B. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-99-02/25T-99007), "Dallia Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- C. That the City Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division of Council's decision.
- D. That approval be given to Zoning Application ZAC-99-31, Sam Consentino, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single detached residential uses, for lands located at 163 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

- (ii) That the General Manager, Community Planning and Development Division be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,
- (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

#### **EXPLANATORY NOTE:**

The purpose of the proposed by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at 163 Stone Church Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the use of the subject lands for 12 lots for single detached dwellings in accordance with the proposed plan of subdivision "Dallia Estates".



#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for draft approval of a plan of subdivision and a Zoning By-law amendment.

#### **BACKGROUND:**

##### Proposal

The application is for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential) District to permit the use of the subject lands for 12 single family dwellings to be developed in accordance with the proposed plan of subdivision "Dallia Estates" (see APPENDIX "B").

##### Applicant:

Sam Consentino, owners.

##### Agent:

P. Ashenhurst, Ashenhurst Nouwens Limited.

Surveyor:

John P. Nouwens, O.L.S.

**LOT SIZE AND AREA:**

The subject lands are rectangular in shape and have:

- a depth of 150 m.;
- a width of 36.9 m; and,
- a lot area of 0.558 ha.

**LAND USE AND ZONING:**

|                             | Existing Land Use                          | Existing Zoning   |
|-----------------------------|--|---|
| <u>Subject Lands</u>        | Single Detached Dwelling and Vacant lands  | "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District |
| <u>Surrounding Land Use</u> |  |   |
| to the north                | Vacant (planned school site)               | "AA" (Agricultural) District  |
| to the south                | Single Detached dwellings                  | "C" (Urban Protected Residential, etc.) District                                  |
| to the west                 | Single Detached Dwellings                  | "R-4" (Small Lot Single Family Dwellings) District                                |
| to the east                 | Single Detached Dwellings and Vacant Lands | "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District |

**OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

**NEIGHBOURHOOD PLAN:**

The subject lands are designated "Single and Double " Residential in the approved Jerome Neighbourhood Plan. The proposed change in zoning complies with the approved neighbourhood plan.



### COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:  

"Please be advised that we have reviewed the above application and find it satisfactory."
- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.
- The Building Department advised of the following:
  - "1. Each lot must have a minimum lot width of 12.0 m and a minimum lot area of 360.0m<sup>2</sup>.
  2. Every lot used for residential purposes must have frontage on a street that has a minimum width of 12.0 m. Lots 10 – 12 do not have frontage on a street.
  3. The development of the land is subject to Section 6.(1) of Zoning By-law No. 6593.
  4. The existing single family dwelling is subject to Demolition Control By-law and requires Planning and Development Committee approval prior to demolition of the existing residential building.
  5. A demolition permit is required to be issued prior to the removal of the residential building."
- The Development Planning Section, Land Development Department have advised of the following:
  - "1) The proponent shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found.

No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Citizenship, Culture & Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

2. The Owner agree to register on title the following noise warning clause for Lots 1 to 3 of the proposed development:

*Purchasers are advised that noise levels originating from Stone Church Road may become of concern, occasionally interfering with some of the activities of the occupant."*

- The Development Engineering Section, Land Development Department have advised of the following:

#### **"FOR INFORMATION**

- 1) Servicing for Lots 1 to 3 (inclusive) for sanitary and storm sewers and water are available on Stone Church Road East.
- 2) Servicing for Lots 4 to 9 (inclusive) for sanitary and storm sewers and water are available by extending the sewers and watermain on Pineway Avenue.
- 3) Servicing for Lots 10 to 12 (inclusive) for sanitary and storm sewers and water is not available.
- 4) The Region has completed a Class Environment Study Report for the widening of this section of Stone Church Road East.
- 5) The designated road allowance width of Stone Church Road is 30.48m.
- 6) According to the Transportation and Operations Division there appears to be some street trees which may require removal due to the approval and construction of homes on Lots 1 to 3 inclusive.
- 7) According to Drawing No. 89-S-52, the future centreline grade of Stone Church Road East, adjacent to Lot 1 will be approximately 0.15m lower than the existing. The existing and future centreline grades will be approximately the same adjacent to Lots 2 and 3.

#### **RECOMMENDATIONS**

- 1) That the applicant/owner dedicate Block 13 on the submitted draft plan, which is shown as a 5.18m road widening to the Region of Hamilton-Wentworth by Certificate on the Final Plan for road widening purposes.
- 2) That Lots 10 to 12 (inclusive) not be developed until such time that sanitary and storm sewers, water and the abutting east-west

neighbourhood street on the north side of these lots is established and constructed to its full width.

- 3) That the applicant/owner be responsible for all servicing costs for the "future east-west street" currently owned by the Board of Education from the west limits of Lot 12 to the east limits of Lot 10.
- 4) That a 0.30m reserve, shown as Block 14 on the submitted draft plan be established and dedicated to the City of Hamilton by deed.
- 5) That any phasing of this development and any temporary works required to accommodate the same, be to the satisfaction of the Community Planning and Development Division.
- 6) That the applicant/owner include 1.0m boulevards in the typical cross-section for this development.
- 7) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the Region of Hamilton-Wentworth and the City of Hamilton.
- 8) That the removal of any street trees must be approved by the Forestry Section of the Transportation and Operations Division and all costs associated for removal and replacement of the street trees be the sole responsibility of the applicant/owner.

The submitted plan as prepared by John P. Nouwens, O.L.S., stamped with the date July 1, 1999 is satisfactory to the Community Planning and Development Division subject to the above noted comments and recommendations."

#### **COMMENTS:**

1. The proposal complies with the general intent of the Official Plan and approved Jerome Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
  - i) it implements the intent of the Official Plan;
  - ii) it is consistent with planned development in accordance with the Jerome Neighbourhood Plan; and,
  - iii) it would be compatible with the abutting and planned residential uses.
3. The applicant is proposing to rezone the subject lands to "C" District. As a condition of draft plan approval, the proponent will be required to submit a surveyor's



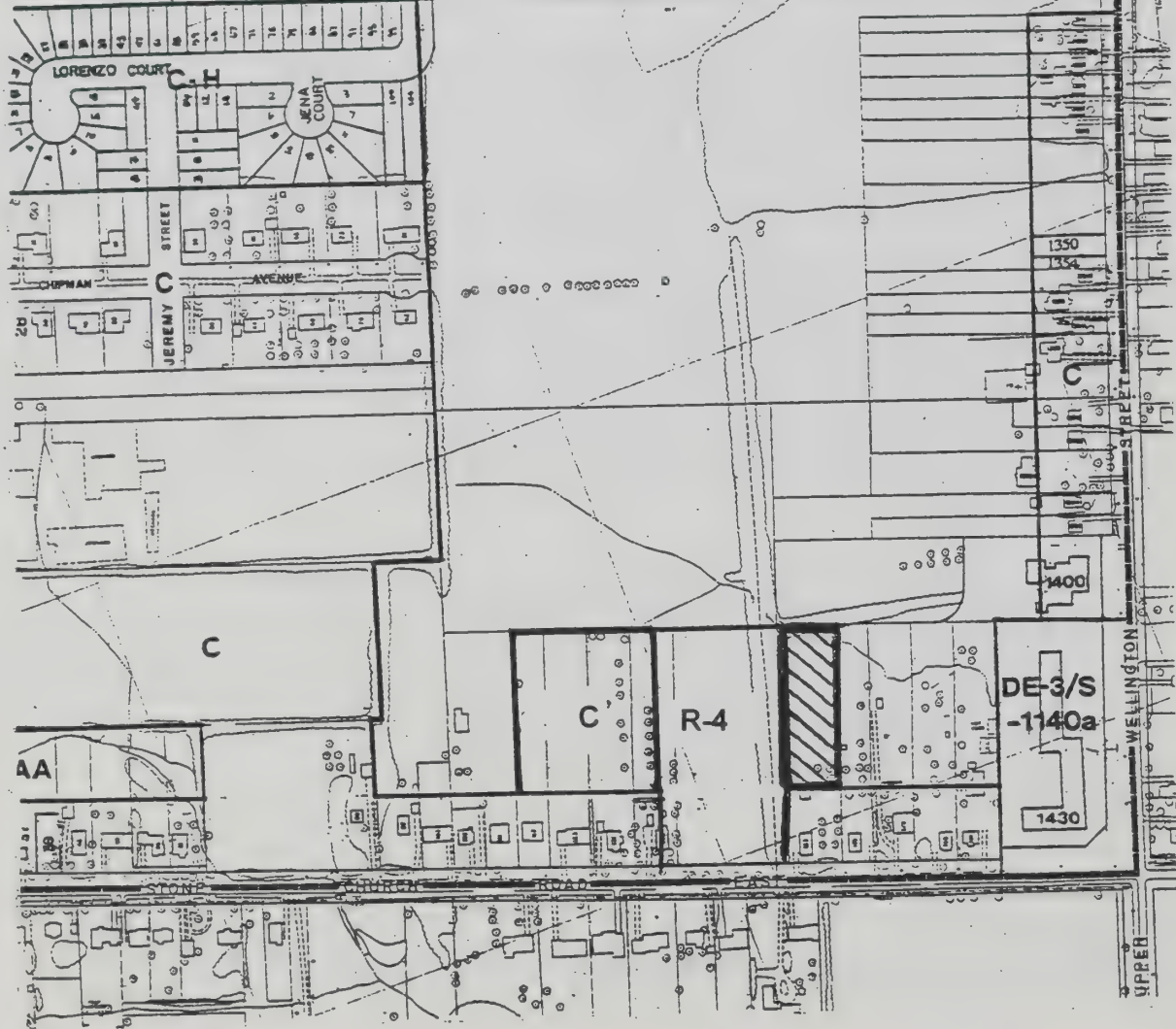
certificate showing lot width and lot area demonstrating conformity with the applicable provisions of the City of Hamilton Zoning By-law.

4. To avoid the creation of a landlocked parcel of land, Lots 9, 10, 11 and 12 should not be allowed to be registered until such time as a public highway has been established. In addition, there is an existing dwelling located on the lands identified as Lots 1 and 2. Therefore, prior to the creation of Lots 1 and 2, the existing dwelling will have to be demolished to the satisfaction of the Building Commissioner.
5. Lots 10, 11 and 12 cannot be developed until such time as the future roadway has been constructed to provide road frontage for these lots. The proposed roadway is located on lands owned by the Hamilton-Wentworth School Board. The proposed conditions of draft plan approval should prohibit the development of these lots until the roadway has been constructed. This condition precludes the need to place the lands in a holding zone or require that a 0.30 m reserve be established in front of these lands.
6. The approved Jerome Neighbourhood Plan designates a site for park and recreational uses to the north of the subject lands. As such, rather than requiring the developer to dedicate 5% of the total area of the subdivision for parkland, the proponent will be required to make a 5% cash-in-lieu payment to the City of Hamilton as a condition of draft plan approval.

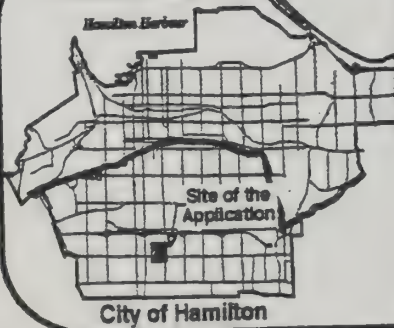
### **CONCLUSION:**

Based on the foregoing, the application can be supported.

E PLAN CONTROL  
LAW 85-228



### General Location Map



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend



From "AA" (Agricultural) District to  
"C" (Urban Protected Residential, etc.) District

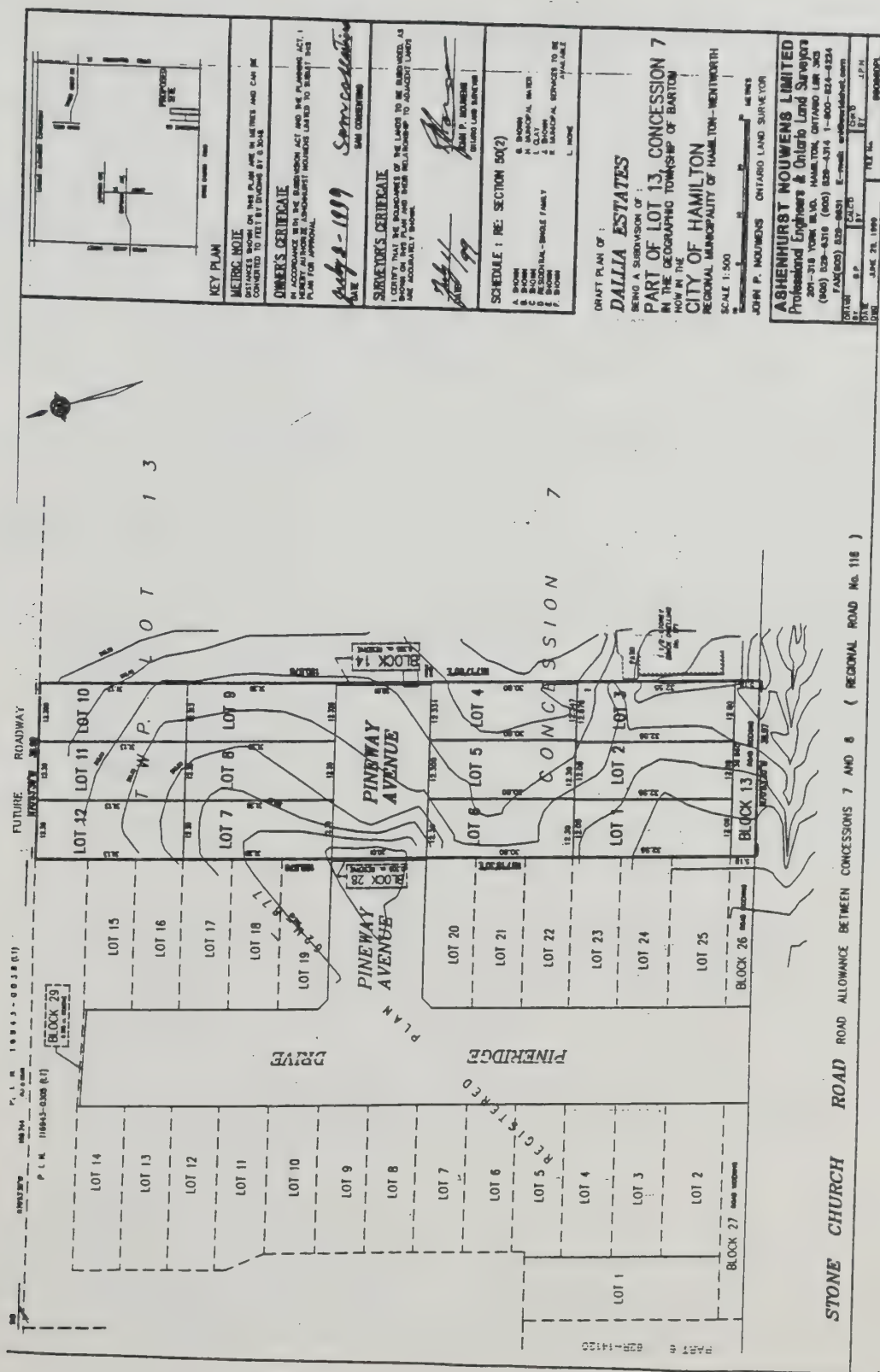
Ref. file # ZAC-99-31  
SAR-99-02

Scale  
Not to Scale

Date  
July, 1999

Technician:  
M.M.





APPENDIX "B"

25T-99007





# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1999 September 21  
ZAR-99-32  
Kernighan Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Request for a change in zoning for lands at the rear of  
843 West 5<sup>th</sup> Street (PDC99090)

### **RECOMMENDATION:**

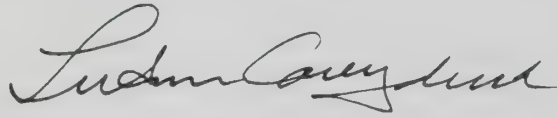
- (a) That approval be given to Zoning Application ZAC-99-32, Maria Bortolotto, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family residential uses, for lands located at the rear of 843 West 5<sup>th</sup> Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
  - (ii) That the General Manager, Community Planning and Development Division be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,
  - (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

### **EXPLANATORY NOTE:**

The purpose of the proposed by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at the rear of 843 West 5<sup>th</sup> Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the use of the subject lands for single family dwellings

in conjunction with the abutting lands to be developed as part of the "Parkway Manor" plan of subdivision.



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

**BACKGROUND:**

Proposal

The application is for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential) District to permit the use of the subject lands for single family dwellings in conjunction with the abutting lands to be developed as part of the "Parkway Manor" plan of subdivision (see APPENDIX "B").

Severance Application B-99:69

Severance Application B-99:69 was approved by the Committee of Adjustment on September 8, 1999. The purpose of this application is to convey a rectangular shaped parcel of land to be merged with the abutting property for development as single detached dwellings in accordance with the "Parkway Manor" plan of subdivision (see APPENDIX "C"). The application was approved conditional upon, amongst other conditions, the applicant applying for and receiving final approval for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

Subdivision Application 98-03 and Zoning Application 98-29

City Council, at its meeting of February 17, 1999, approved Subdivision Application 98-03 ("Parkway Manor") and Zoning Application 98-29 for lands located east of West 5<sup>th</sup> Street and south of the Lincoln M. Alexander Parkway (see APPENDIX "B").

The conditions of draft plan approval for "Parkway Manor", require that Blocks 40, 41 and 42 are to be developed in conjunction with the abutting lands. Severance Application B-99:69 will allow for land assembly to occur to allow for the development of lots fronting into the cul-de-sac shown as Street "C".

**APPLICANT:**

Maria Bortolotto, owner.



**AGENT:**

A. Fletcher, A.J. Clarke and Associates Ltd.

**LOT SIZE AND AREA:**

The subject lands to be rezoned are rectangular in shape and have:

- a depth of 45 m;
- a width of 24 m; and,
- a lot area of 1,114 m<sup>2</sup>.

**LAND USE AND ZONING:**

|                             | Existing Land Use                          | Existing Zoning                                  |
|-----------------------------|--|--|
| <u>Subject Lands</u>        | Vacant lands                               | "AA" (Agricultural) District                     |
| <u>Surrounding Land Use</u> |  |  |
| to the north                | Vacant (planned single detached dwellings) | "C" (Urban Protected Residential, etc.) District |
| to the south                | Vacant (planned single detached dwellings) | "C" (Urban Protected Residential, etc.) District |
| to the west                 | Single Detached Dwellings                  | "C" (Urban Protected Residential, etc.) District |
| to the east                 | Single Detached Dwellings                  | "C" (Urban Protected Residential, etc.) District |

**OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "Single and Double" Residential in the approved Kernighan Neighbourhood Plan. The proposed change in zoning complies with the approved neighbourhood plan.

### **COMMENTS RECEIVED:**

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"Please be advised that we have reviewed the above application and find it satisfactory."

- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.
- The Building Department had no comment with respect to the application.
- The Development Engineering Section, Land Development Department have advised of the following:

"There are neither public watermain nor storm and sanitary sewers available to service the subject lands.

The designated road allowance width of this section of West 5<sup>th</sup> Street is 30.48 m. In accordance with this designation, the applicant/owner should be advised of a future road allowance widening on West 5<sup>th</sup> Street sufficient to establish the property line 15.24 m from the centreline of the original West 5<sup>th</sup> Street road allowance.

We have reviewed the application on the basis that the lands to be rezoned will be severed merged and developed in conjunction with Parkway Manor plan of subdivision to the north and east."

### **COMMENTS:**

1. The proposal complies with the general intent of the Official Plan and approved Kernighan Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
  - i) it implements the intent of the Official Plan and the Kernighan Neighbourhood Plan;
  - ii) it is consistent with planned development in accordance with the "Parkway

iii) Manor" subdivision; and,  
it would be compatible with the abutting and planned residential uses.

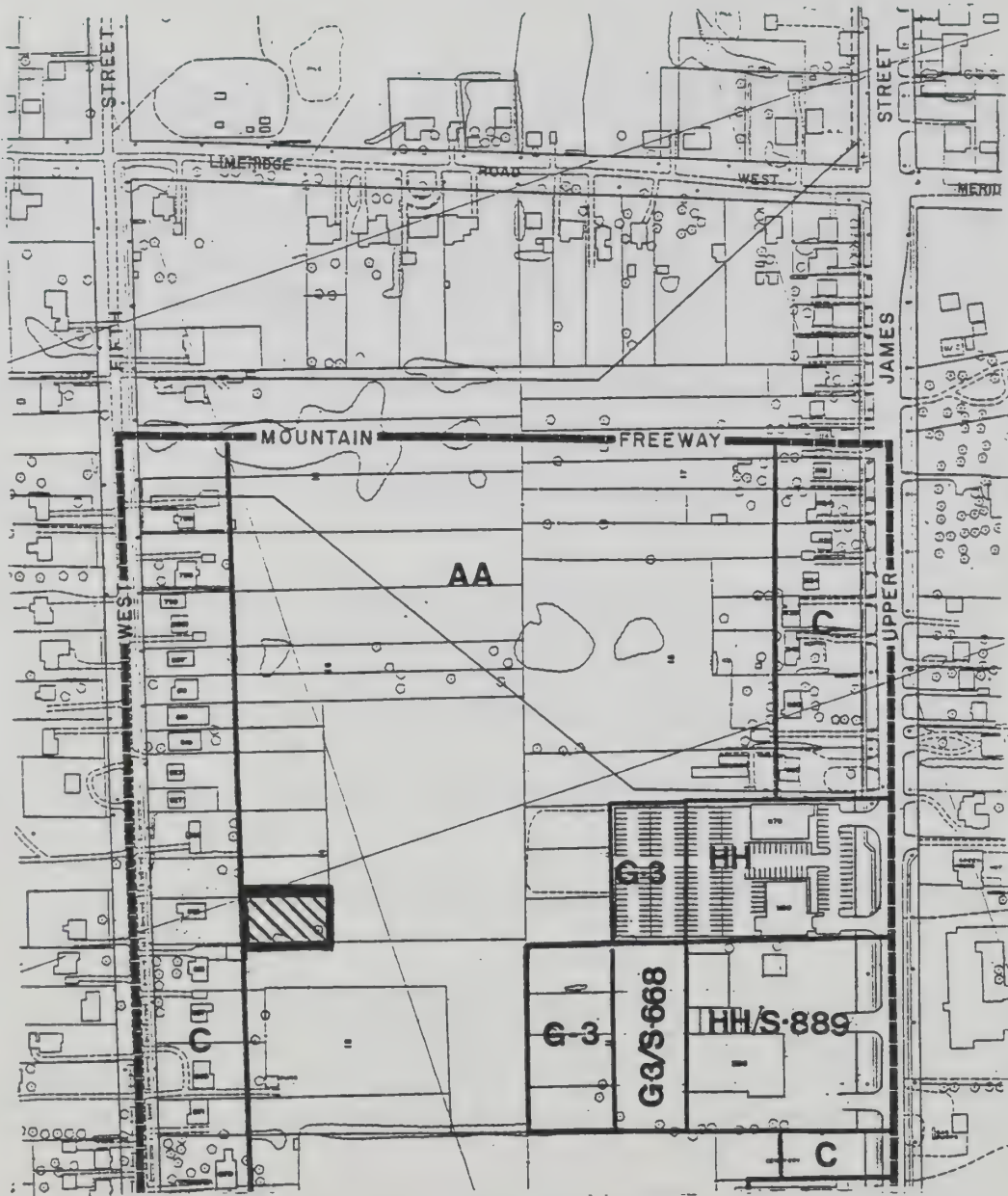
3. The proposed change in zoning implements the conditions of draft plan approval for "Parkway Manor" and Severance Application B-99:69 . As part of the conditions of draft plan approval, Blocks 40, 41 and 42 are to be developed in conjunction with the abutting lands to create building lots for single detached dwellings (see attached APPENDIX "B").

**CONCLUSION:**

Based on the foregoing, the application can be supported.

ZA-99-32.doc  
SR/sr





### General Location Map



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend



From "AA" (Agricultural) District to  
"C" (Urban Protected Residential, etc.) District

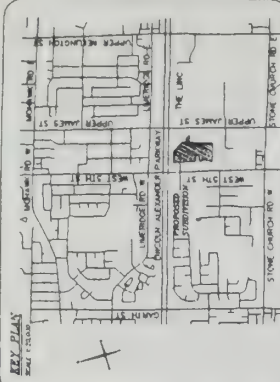
Reference file:  
ZAR-99-32

Scale  
Not to Scale

Date  
July, 1999

Technician:  
M.M.





**DRAFT PLAN OF  
PARKWAY MANOR**

BEING A PROPOSED SUBDIVISION OF  
PART OF LOTS 12, 14 AND 16  
MARSHALL ESTATES  
REGISTERED PLAN NO 895  
CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF HAMILTON-MONTMART

SCALE 1:750  
M. J. FERRY O.L.S.

**NOTE:** THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO APPROVAL AND AMENDMENT BY THE BOARD OF ZONING AND PLANNING.

**METRIC:** DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND DECIMALS THEREOF. DISTANCES CAN BE CHECKED BY MEANS OF A SINE.

**RE: CHAPTER P.13 R.S.O. 1990, SECTION 51(2)  
THE PLANNING ACT**

A. SHOWN ON PLAN  
B. SHOWN ON PLAN  
C. SHOWN ON PLAN  
D. SHOWN ON PLAN  
E. SHOWN ON PLAN  
F. SHOWN ON PLAN  
G. SHOWN ON PLAN  
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X. SHOWN ON PLAN  
Y. SHOWN ON PLAN  
Z. SHOWN ON PLAN

**SURVEYOR'S CERTIFICATE:**  
I, THE SURVEYOR, HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS PLAN AND THE RECORDS OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THE RECORDS OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN ARE TRUE AND CORRECT.

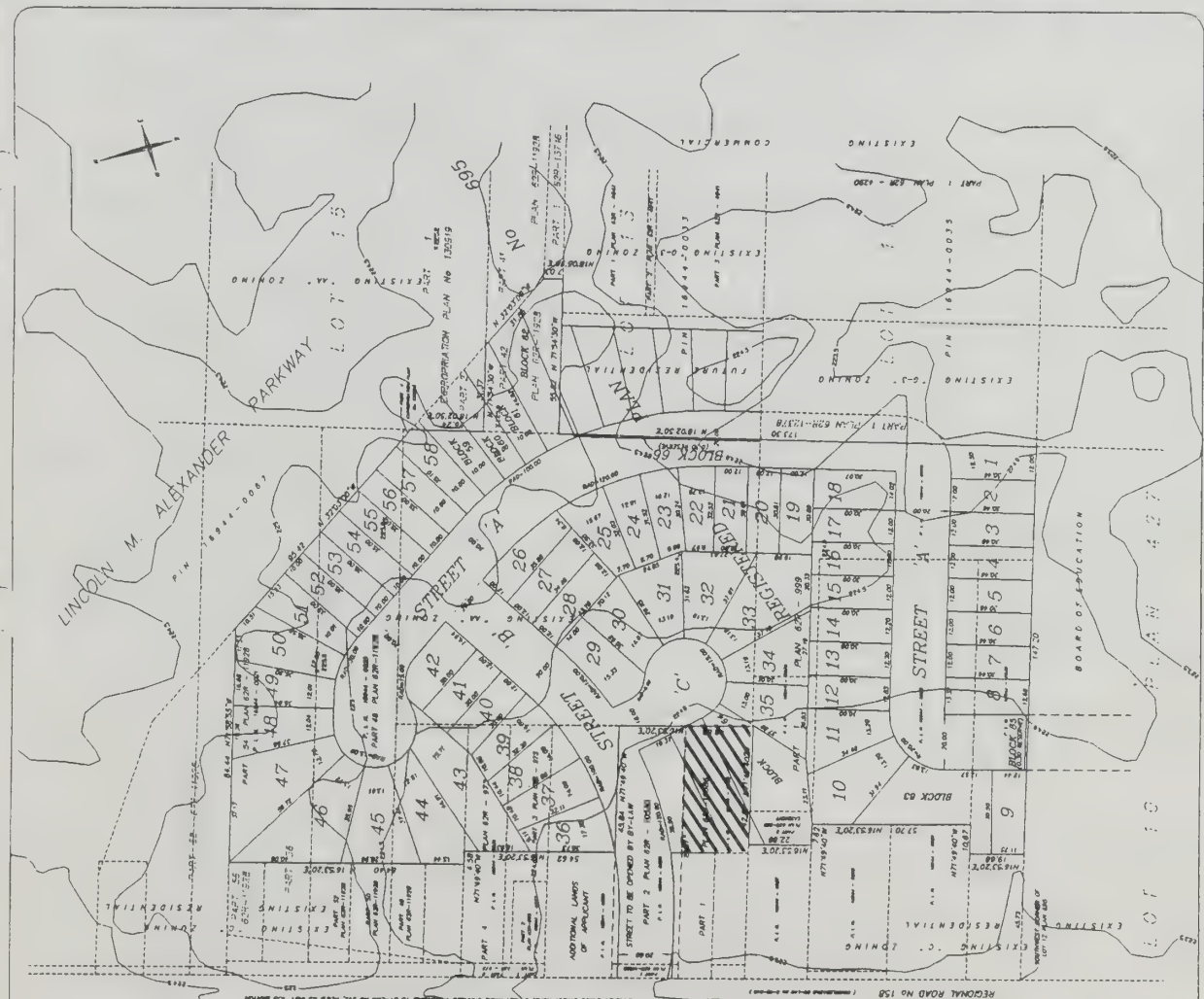
DATE: JUNE 29, 1988  
M. J. FERRY  
O.L.S.

**LAND USE SCHEDULE:**  
LOT 1 - 30 BLOCKS 43 - 45 1/2 ZONING (SINGLE FAMILY RESIDENTIAL)  
LOT 51 - 54 BLOCKS 59 - 62 3/4 ZONING (SINGLE FAMILY RESIDENTIAL)

**SUBDIVISION DRAFT APPROVAL:**  
I, THE SURVEYOR, HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS PLAN AND THE RECORDS OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN ARE TRUE AND CORRECT.

COMMISSIONER OF PLANNING  
REGIONAL MUNICIPALITY OF HAMILTON-MONTMART  
APPROVED BY: M. J. FERRY, O.L.S.

**A. J. Clark and Associates Ltd.**  
SURVEYORS, PLANNERS, ENGINEERS  
1500 SHEPPARD AVENUE EAST, SUITE 123  
SCARBOROUGH, ONTARIO M1S 1T2  
TEL: 416-291-5797 FAX: 416-291-5798  
INTERNET: AND ASSOCIATES.COM



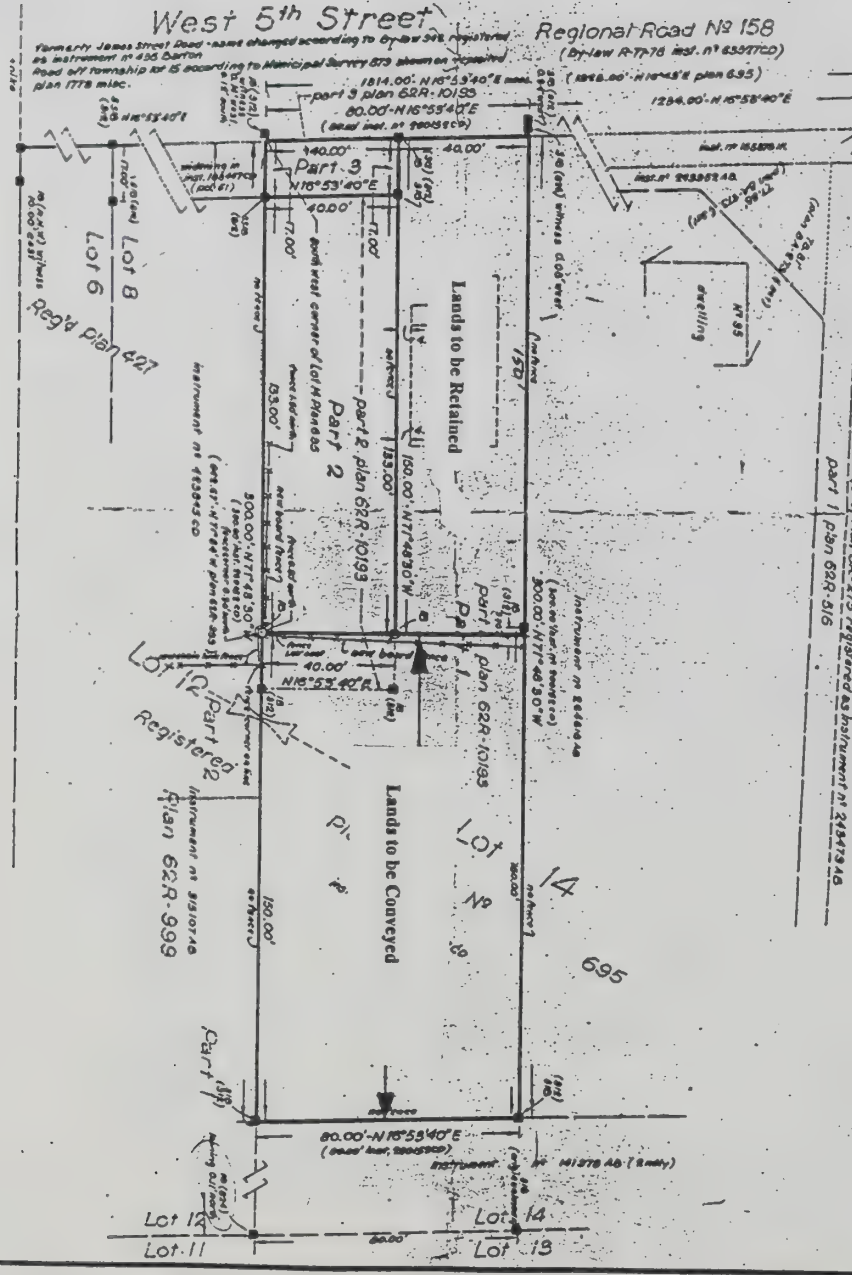
Lands to Be Rezoned

**25T-98005**

Registered Plan No 695  
 City of H. Milton  
 Regional Municipality of Hamilton-Wentworth  
 B.J. Clarke O.L.S.  
 1989

62R-10386

Limeridge Road West  
 original road allowance between concessions 6 and 7  
 Part 1 plan 62R-516





## CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1999 September 20  
ZAR-99-33  
Eleanor Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Request for a change in zoning for lands located at the rear of 1478 Upper Gage Avenue (PDC99096)

**RECOMMENDATION:**

That approval be given to Zoning Application 99-33, Sabatino Manganiello, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District, for property located at the rear of 1478 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the land be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District;
- ii) That the Director, Land Development Department, Community Planning and Development Division be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District for lands located at the rear of 1478 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the future development of the subject lands for three (3) small lot single-family dwellings fronting onto Elmore Drive (see APPENDIX "B").



#### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment

#### BACKGROUND:

- Proposal

The applicant is requesting a rezoning for the land located at the rear of property at 1478 Upper Gage Avenue (see Appendix "A"). The purpose of the application is to permit three (3) small lot single-family dwellings fronting onto Elmore Drive.

- Land Severance Application B-99:70 to B-99:72

The applicant filed Land Severance Applications B-99:70, B-99:71, and B-99:72 for severance to create three (3) lots fronting on the proposed extension of Elmore Drive and two (2) lots fronting on Upper Gage Avenue (See Appendix 'B'). At its meeting of September 1, 1999 the Committee of Adjustment approved the Land Severance Applications, subject to the following condition(s):

- 1) The owner shall satisfy all relevant requirements of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- 2) The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
- 3) The applicant shall submit proof of final approval of Zoning Application ZAC-99-33.
- 4) That the appropriate maintenance easements be established for the proposed "R-4" lots fronting on Elmore Drive.
- 5) That the applicant/owner dedicate sufficient lands to the Region for road widening purposes to establish the property line 18.29 from the centreline of the original road allowance on Upper Gage Avenue adjacent to the two lots created on Upper Gage Avenue. This road allowance widening is approximately 3.048 m in width.
- 6) That the applicant/owner enter into a Modified Subdivision Agreement and other appropriate agreements, as required, with the City of Hamilton and the Region of Hamilton-Wentworth. These agreements are required for the recovery of all

servicing and land costs adjacent to Elmore Drive, preparation of the appropriate reference plans, individual lot grading, lot grading on Elmore Drive, lot grading for existing and future road grades on Upper Gage Avenue, the payment for municipal sidewalks on Upper Gage Avenue, etc.

#### APPLICANT:

Sabatino Manganiello, owner.

#### LOT SIZE AND AREA:

- 30.386 m (99.69 ft.) of lot frontage on Upper Gage Avenue;
- 73.214 m (240.20 ft.) of lot depth; and,
- 2,224.68 m<sup>2</sup> (.54 acres) of lot area.

#### LAND USE AND ZONING:

|                          | <u>Existing Land Use</u> | <u>Existing Zoning</u>   |
|--------------------------|--------------------------|--|
| <u>Subject Lands</u>     | Vacant                   | "AA" (Agricultural) District   |
| <u>Surrounding Lands</u> |                          |  |
| To the north             | Vacant                   | "AA" (Agricultural) District   |
| To the south             | Vacant                   | "R-4" (Small Lot Single Family Detached) District  |
| To the east              | Vacant                   | "C" (Urban Protected Residential, etc.) District   |
| To the west              | Vacant                   | "D" (Urban Protected Residential -One and Two Family Dwellings, etc.) District -modified |

#### OFFICIAL PLAN:

The lands are designated **Residential** on Schedule A – Land Use Concept of the Official Plan. The following policies should be noted:

- "2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will



be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

The following policies of Subsection C.7 – Residential Environment and Housing Policy should also be noted:

- "C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas buildings height, coverage, mass, setbacks, privacy and overview;"

The proposal does not conflict with the intent of the Official Plan.

#### **NEIGHBOURHOOD PLAN:**

The lands are designated "Single and Double Residential" on the approved Eleanor Neighbourhood Plan. The proposal complies with the intent of the plan.

#### **RESULTS OF CIRCULARIZATION:**

- The following Departments and Agencies have no comment or objections:
  - Hamilton Region Conservation Authority; and,
  - Union Gas.
- The Department of Public Works and Traffic Department has advised that they have reviewed this application and have no comment.
- The Building Department has verbally advised that:

"The applicant has made application (B-99:70 - B-99:72) for severance to create three (3) lots fronting on the proposed extension of Elmore Drive and two (2) lots fronting on Upper Gage Avenue. The five (5) lots comply with requirements of the "C" and proposed "R-4" District zoning."

- The Development Engineering Section has reviewed the application and has advised that :

"There are both public watermains and separate storm and sanitary sewers available to service the subject lands.

According to our records, Elmore Drive adjacent to the subject lands has been established as a public highway. There is a .30m reserve on Elmore Drive adjacent to the subject lands shown as Part 4 on Reference Plan 62R-14109.

The applicant/owner and any future purchasers of this property should be advised that as a condition of development approval that the applicant/owner must enter into a Modified Subdivision Agreement with the City/Region for the recovery of all outstanding servicing and land costs adjacent to Elmore Drive. Once this has been done the City can incorporate the lands into the Elmore Drive road allowance.

The applicant/owner and any future purchasers of lands adjacent to Upper Gage Avenue should be advised a road allowance widening dedication on Upper Gage Avenue to establish the property line 18.29m from the centreline of construction as shown on MTO Survey Plans."

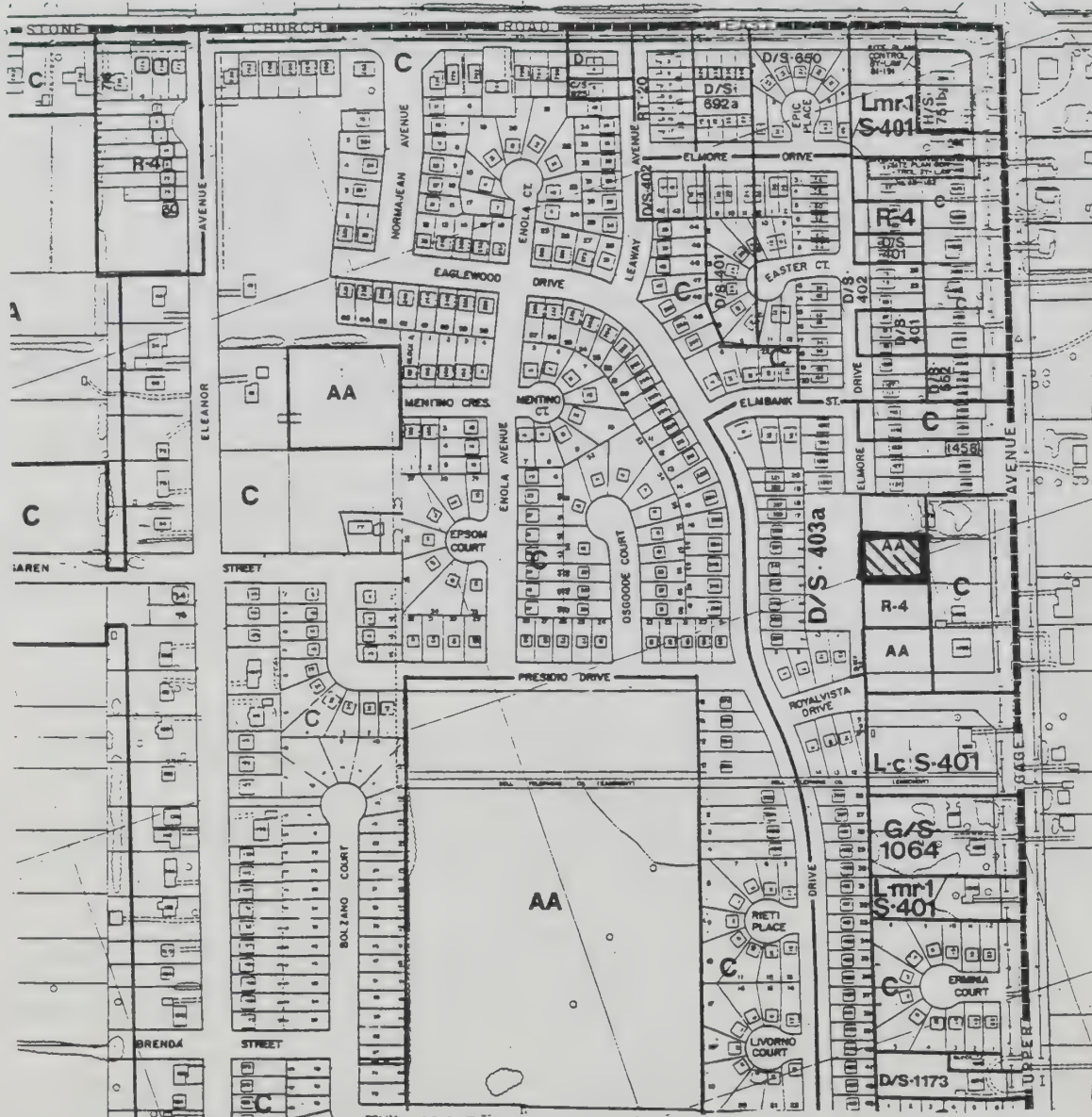
#### COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The lands are designated "Single and Double Residential" on the approved Eleanor Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
  - i) it implements the intent of the Official Plan and the approved Eleanor Neighbourhood Plan;
  - ii) the proposed small lot single-family residential development represents infill development, and is consistent with the established development in the area. On this basis, the proposal serves to complete the existing pattern of development on Elmore Drive; and,
  - iii) it fulfils the conditions of land severance approval to create three (3) lots fronting onto Elmore Drive.

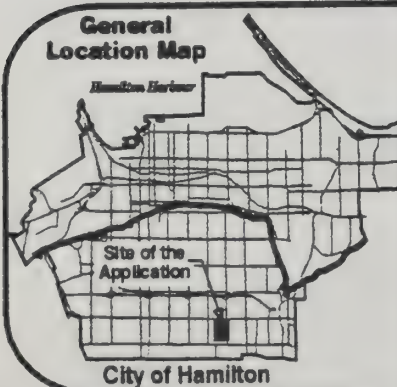
#### CONCLUSION:

Based on the foregoing, the application can be supported.





### General Location Map



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend



From "AA" (Agricultural) District to  
"R-4" (Small Lot Single Family Dwelling) District

Reference file:  
ZAR-99-33

Scale  
Not to Scale

Date  
July, 1999

Technician:  
M.M.



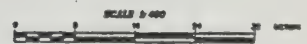
APPENDIX "A"



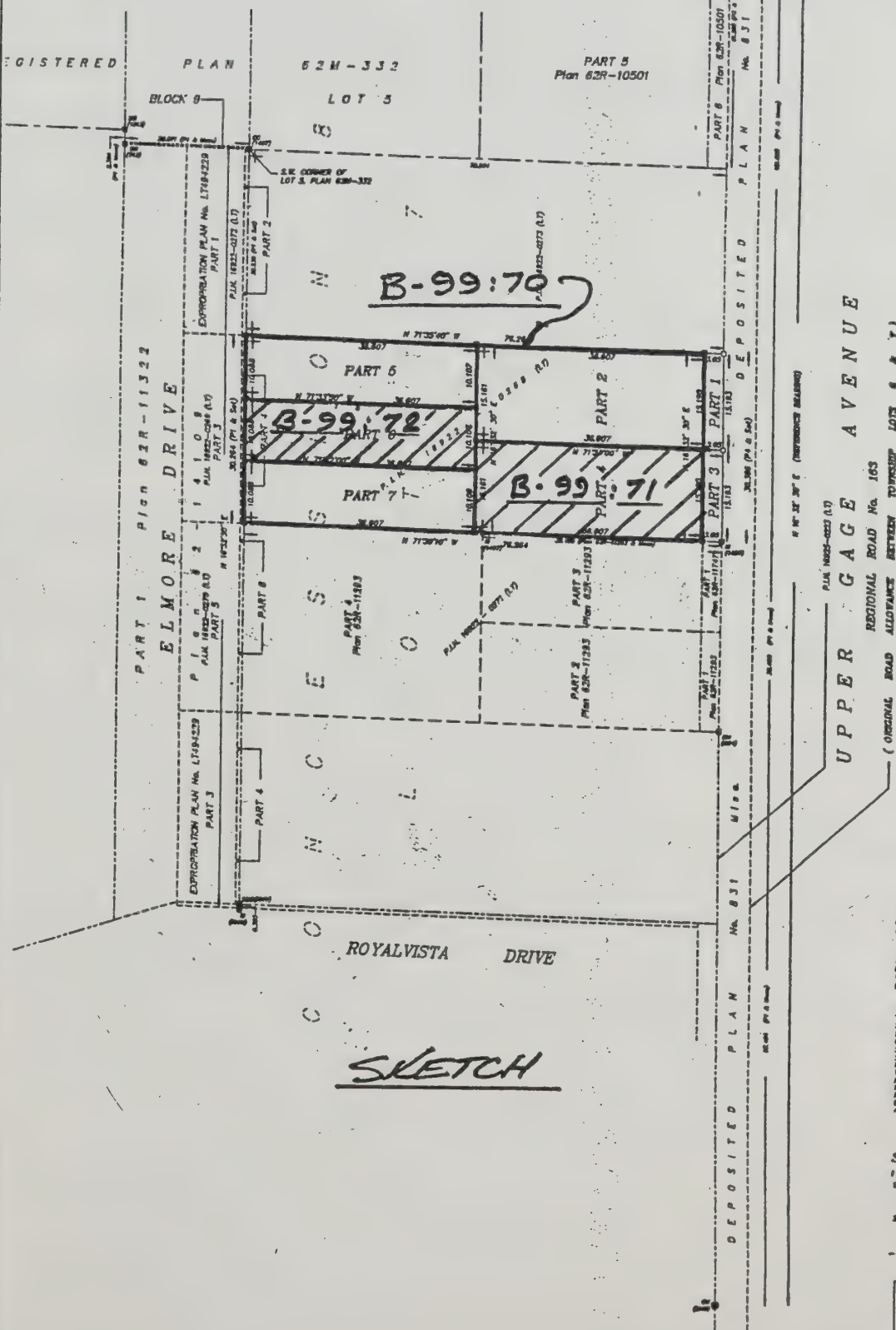


|  |                             |                                 |
|--|-----------------------------|---------------------------------|
| I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TILES ACT             |                             |                                 |
| PLAN 62R-<br>RECEIVED AND DEPOSITED                                      |                             |                                 |
| DATE: JULY 20, 1999  | DATE: _____                 |                                 |
| LAND EXEMPTION FOR THE LAND TILES ACT (Section 10 of the Land Tiles Act) |                             |                                 |
| SCHEDULE   |                             |                                 |
| PART   | LOCATION                    | PLAN                            |
| 1  | PART OF LOT 7, CONCESSION 8 | PART OF P.L.A. 1000-0000 (A.T.) |
| 2  | PART OF LOT 7, CONCESSION 8 | PART OF P.L.A. 1000-0000 (A.T.) |
| 3  | PART OF LOT 7, CONCESSION 8 | PART OF P.L.A. 1000-0000 (A.T.) |
| 4  | PART OF LOT 7, CONCESSION 8 | PART OF P.L.A. 1000-0000 (A.T.) |
| 5  | PART OF LOT 7, CONCESSION 8 | PART OF P.L.A. 1000-0000 (A.T.) |
| 6  | PART OF LOT 7, CONCESSION 8 | PART OF P.L.A. 1000-0000 (A.T.) |
| 7  | PART OF LOT 7, CONCESSION 8 | PART OF P.L.A. 1000-0000 (A.T.) |
| PARTS 1 TO 7 COMPREHEND ALL OF P.L.A. 1000-0000 (A.T.)                   |                             |                                 |

PLAN OF SURVEY OF  
PART OF LOT 7  
CONCESSION 8  
(GEOGRAPHIC TOWNSHIP OF BARTON)  
NOW IN THE  
CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF  
HAMILTON - WENTWORTH



B.A. JACOBS SURVEYING LTD.  
ONTARIO LAND SURVEYOR



- METRIC NOTE:**  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
- BEARING NOTE:**  
BEARINGS ARE ASTROPHIC AND ARE REFERRED TO THE WESTERLY LIMIT OF UPPER GAGE AVENUE AS SHOWN ON DEPOSITED PLAN 62R-10501, HAVING A BEARING OF N 10° 25' 30" E.
- LEGEND**
- |                          |       |    |
|--------------------------|-------|----|
| SURVEY MONUMENT FOUND    | ..... | 1  |
| SURVEY MONUMENT PLANTED  | ..... | 2  |
| CONCRETE MONUMENT        | ..... | 3  |
| STANDARD IRON BAR        | ..... | 4  |
| SHORT STANDARD IRON BAR  | ..... | 5  |
| IRON BAR                 | ..... | 6  |
| WIRELESS                 | ..... | 7  |
| REFERENCE PLAN 62R-10501 | ..... | 8  |
| REFERENCE PLAN 62R-11745 | ..... | 9  |
| REFERENCE PLAN 62R-10501 | ..... | 10 |
| DEPOSITED PLAN 62R-10501 | ..... | 11 |
| A.T. CLAMP I.B.          | ..... | 12 |

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED BY ME, 1999.

DATE: \_\_\_\_\_

B.A. JACOBS SURVEYING LTD.  
131 JOHN ST. S. WILSON, ONT. L9T 1V1  
TEL: (905) 321-1233 FAX: (905) 321-6000  
(PLAN 62R)









# Making Cities Livable Conferences

Making Cities Livable Publications

1/2

4

September 22, 1999

905 546 3136

PLEASE GIVE TO MAYOR MORROW

Fax: ~~905-546-3165~~

The Honorable Robert Morrow

Mayor, City of Hamilton

City Hall, 71 Main Street

Hamilton, ON L8N 3T4

next 9/23  
for PTD agenda

SEP 23 1999

Dear Bob,

Many thanks for your gracious hospitality, and showing us so much! It was most informative to learn about Hamilton, to meet with some of your staff and with citizens, and to learn first hand how much affection they have for their Mayor. We are proud to have you on our Advisory Board!

We were very pleasantly surprised with what we saw, with projects in progress and planned (and, of course, we did not learn about everything - didn't even get to the Botanical Gardens!)

On the other hand, Vancouver, where we had not been for six years, experienced rapid growth, especially in high rise office and residential towers (as you know) and to us seems "less livable" than its promoters want one to believe. It has a unique location, but even this "gift" is no longer appreciated, and views of the water and mountains have been obstructed.

We were reminded what the great English art historian Ernest Gombrich (of course, originally from Vienna) wrote in his classic essay "*The Beauty of Old Towns*" that their beauty is the result of a slow, incremental, self-correcting development fitting their landscape, and where decisions could be modified. We'll tell you more about our impressions when, as we hope, we see you at the Carmel Conference in early November.

In the meanwhile, we should follow up on the idea we mentioned to you that we write up a brief document on our reactions, impressions, and suggestions to what we (and especially Suzanne) saw and learned from our tours and review of projects and plans in preparation, and that we do this while the impressions are still fresh! Our work and experience in studying cities for 20 years will be of use to your city and your staff.

As we told you, we believe Hamilton is moving in the right direction, but even a few useful ideas could be of considerable assistance in facilitating this progress.

See page 2

Director  
Suzanne H. Crowhurst  
Lennard  
Advisory Board:  
Henry L. Lennard, Chair  
Robert A. Aldrich (Seattle)  
Peter Breitting (Graz)  
Vera Danyluk (Montreal)  
Derek Drummond (Montreal)  
Ben Farmer (Newcastle)  
Andreas Feldtkeller  
(Tübingen)  
Dieterich Garbrecht (Zurich)  
Rod Mackney (London)  
Mayor Diether Hahweg  
(Erlangen)  
Don Robert Johnson (New York)  
Jacques Kaswan (Berkeley)  
William Kuefler (Santa Fe)  
Gianni Longo (New York)  
Donald MacDonald (San Francisco)  
Rolf Monheim (Beyreuth)  
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Peter Novak (Ulm)  
Rosario Pionelli (New York)  
Patrick J. Quinn (Troy)  
Jürgen Rauch (München)  
Mayor Joseph P. Riley Jr.  
(Charleston)  
Joardo Salzano (Venice)  
Aus Berneroth (Vienna)  
Sven von Ungern-Stenberg  
(Freiburg)  
Edward Bylvester  
(Washington DC)  
Jane Thompson (Cambridge)  
Hartmut Topp  
(Kaiserslautern)  
Mayor Hermann Vogler  
(Ravensburg)

Suzanne H. Crowhurst  
Lennard Ph.D. (Arch.)  
Director  
MCL Conferences  
P.O. Box 7588  
Carmel, CA 93821 USA  
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Dr. Sven von Ungern-  
Stenberg  
Regierungspräsident  
State of South-Baden  
Kaiser Joseph Strasse 167  
D-76888 Freiburg LB.  
GERMANY  
Tel: (0761) 208-1000





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page 2  
Crowhurst Lennard & Lennard  
September 22, 1999

We would write up observations and suggestions around such issues as:

- ◆ Design of new City Hall/Art Museum plaza as a "people place"
- ◆ Expansion of the Farmers' Market
- ◆ Urban design issues (including signage)
- ◆ Proposed park and waterfront development
- ◆ Youth issues
- ◆ and perhaps some thoughts on the role that your admirable traditional and new festivals could play in strengthening the life of the community.

But we would keep it brief (under 15 pages).

Unfortunately we need some minimal compensation for time and cost of preparation, but we would do it for you and Hamilton for US \$2,900 (a "humane" amount, as our Austrian colleagues would say).

Let us know whether you can obtain this allocation from the Planning Department, Council, etc., and we'll get to work.

All the best,

*Suzanne*  
Suzanne H. Crowhurst Lennard Ph.D.(Arch.)  
Director, International Making Cities Livable Conferences

*Henry*  
Henry L. Lennard Ph.D.  
Chairman, Advisory Board

P.S. Please fax us to 831-624-5126 - We will be in Carmel by the end of this week.



**CONSENT AGENDA**

**PLANNING AND DEVELOPMENT COMMITTEE**

Wednesday, October 6, 1999

9:30 o'clock a.m.

Room 233, City Hall

**A. ADOPTION OF THE MINUTES**

Minutes of the meeting held September 22, 1999

**B. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT**

- (i) 2717 King Street East – Demolition (PDC99089)
- (ii) Request for removal of the “H” (Holding) Symbol – lands located at 27 Dundurn Street North. (PDC99097)

**C. GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION**

Community Heritage Trust Fund Program, 293 Park Street South (HSB99003)

**D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items





Wednesday, September 22, 1999  
Room 233, City Hall  
9:30 o'clock a.m.

A.

**The Planning and Development Committee met.**

**There were present:** Alderman F. D'Amico, Chairperson  
Alderman F. Eisenberger  
Alderman M. Caplan  
Alderman B. Kelly  
Alderman D. Haining  
Alderman R. Corsini,

**Regrets:** Mayor R. Morrow, Civic Business  
Alderman G. Copps, Vice Chairman, Illness  
Alderman B. Charters, Civic Business

**Also present:** Alderman A. Horwath  
Alderman C. Collins  
Alderman T. Anderson  
Lee Ann Coveyduck, General Manager, Community  
Planning and Development Division  
Guy Paparella, Planning and Development  
Paul, Mason, Planning and Development  
Paul Mallard, Planning and Development Department  
Joanne Hickey Evans, Planning and Development  
Eugene Chajka, Planning and Development  
Nina Chapple, Planning and Development  
Peter Lampman, Building Department  
Art Zuidema, Corporate Counsel  
Reg Meires  
Hazel Milsome, Public Works and Traffic  
Kevin Nutley, Real Estate Division  
Tina Agnello, Secretary

**PUBLIC MEETINGS – 9:30 O'CLOCK A.M.**

- 1. Zoning Application 98-26, by Cornerstone Commercial Realty Corporation, owner, for lands located south of Fennell Avenue and north of Inchlee Drive, known as 334 East 14<sup>th</sup> Street. (PDC99079)**

Prior to this Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

The Committee was in receipt of correspondence from Scott Snider, Solicitor for the applicant dated September 20, 1999 requesting that the matter be tabled.

The Committee resolved that the Item be tabled.

2. **Zoning Application 99-24, by John Bear Pontiac, Buick, Cadillac Ltd., owner, for a further modification to the "G-3" District, modified, for property located at 1200 Upper James Street. (PDC99076)**

Prior to this Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Paul Mallard advised that of 28 notices circulated, 5 replied in favour and 1 was opposed.

Don MacClellan, Bay City Construction was present on behalf of the applicant.

As recommended in a report from the General Manager, Community Planning and Development Division, dated September 3, 1999, the Committee recommended to Council as follows:

That approval be given to Zoning Application 99-24, John Bear, owner, requesting a further modification to the established "G-3" (Public Parking Lots) District, modified to permit two (2) service bays and a mechanical carwash, for the property located at 1200 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the "G-3" (Public Parking Lot) District regulations, as contained in Section 13C of Zoning By-law No. 6593, as amended by By-law 79-255, applicable to the subject lands, be further modified to include the following variance as a special provision:
    - (i) That notwithstanding Section 13C.(1), the following uses shall be permitted:
      - (1) an auto repair garage consisting of two (2) bays except paint and autobody repair; and,
      - (2) a mechanical car wash accessory to the existing automobile dealership;
  - (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-668a, and that the subject lands on Zoning District Map W9B be notated as S-668a; and,
  - (c) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W9B for presentation to City Council;
  - (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
3. **Zoning Application 99-25, by Rehoboth United Reformed Church, owner, for a change in zoning from "AA" District to "C" District (Blocks "1" and "2") for lands located west of Hawkswood Trail and south of Falconridge Drive and east of the Hamilton City limits. Not Circulated. (TO BE RESCHEDULED)**

This application was not circulated as per the requirements of the Planning Act and is to be scheduled for a later date.



4. **Zoning Application 99-26, by Skinder Shelly Sohal, owner, for a change in zoning from "AA" District to "C" District, modified, for lands located at 844 Upper Wentworth Street. Not Circulated (TO BE RESCHEDULED)**

This application was not circulated as per the requirements of the Planning Act and is to be scheduled for a later date.

5. **Zoning Application 99-30, by Jo-Ank Associates Ltd. and Tarador Holdings, owners, for modifications in zoning of the "E-2" District for lands located at 24 and 30 Hess Street South. (PDC99074)**

Prior to this Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Rick Lintack, Architect was present on behalf of the applicant.

Of 105 notices circulated, 7 replied in favour, and 1 opposed.

As recommended in a report from the General Manager, Community Planning and Development Division, dated September 3, 1999, the Committee recommended to Council as follows:

That approval be given to Zoning Application ZAC-99-30, by Jo-Ank Associates Ltd. and Tarador Holdings, owners, for a further modification to the established "E-3" (High Density Multiple Dwellings) District to permit an expansion of the existing patio bar and restaurant for lands located at 24 Hess Street South (Block "1"), and to permit a restaurant and patio bar use, for lands located at 30 Hess Street South (Block "2"), as shown on the attached map marked as APPENDIX "B", on the following basis:

- (a) That the "E-3" (High Density Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-law No. 6593 as modified by By-law No. 73-115 and By-law No. 81-28 applicable to Block "1" (24 Hess Street South) be further modified to include the following variances:
- (i) That notwithstanding Section 1 of By-law No. 73-115, any alteration, extension or enlargement from the southerly side wall and westerly rear wall of the existing building shall be permitted and shall be permitted to be used as a restaurant.
  - (ii) That Section 11C. (2)(b) and (c) of Zoning By-law 6593 shall not apply.
  - (iii) That notwithstanding Section 11C.(3) of Zoning By-law 6593, the lot shall have a minimum lot width of 12.0m and a minimum lot area of 240.3m<sup>2</sup>.
  - (iv) That Section 11C.(5) of Zoning By-law 6593 shall not apply.
  - (v) That Section 18. (3)(vi) of Zoning By-law 6593 shall not apply to the southerly side yard and the westerly rear yard.
  - (vi) That notwithstanding Section 18.(11)(a) and (b) of Zoning By-law 6593, an outdoor patio shall be permitted subject to the following special requirements:
    - 1. No outdoor patio area shall provide for a seating accommodation for more than 142 persons.

2. That an outdoor patio shall be permitted to adjoin the residential district to the southerly and westerly lot lines.
  3. That an outdoor patio area may be located on the second floor.
- (vii) That notwithstanding By-law No. 73-115 as amended by By-law No. 81-28, that Section 2(ii) of By-law No. 81-28 be further modified as follows:
1. one ground sign and one wall sign or projecting sign shall be permitted and shall have a total area of not greater than  $0.8\text{m}^2$  (8.6 sq. ft.); and
  2. the sign may be illuminated, in a manner which is non-flashing, indirect or internal.
- (b) That the Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map W-4 for presentation to City Council;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, and that the subject lands on Zoning District Map W-4 be noted as S-262b; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
6. **Zoning Application 99-29 and Proposed Draft Plan of Subdivision SAR-99-01 "Sherman Meadows", by Harp Homes Building Corporation, owner, for a change in zoning from "AA" District to "C" District for property located at the rear of 1515 and 1519 Upper Sherman Avenue. (PDC99077)**

Prior to this Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Paul Mallard recommended an amendment to subsection xi to add as follows:

"to the satisfaction of the Building Commissioner".

Mr. Anonech, owner of 1531 Upper Sherman Avenue was present. He stated that he has owned the property for 45 years. He has been told by a real estate agent that his property is not worth anything because a roadway is proposed to be constructed on the majority of his land.

Alderman Eisenberger advised that the future development of Mr. Anonech's property is a separate issue from the development of the application presently before the Committee.

As recommended in a report from the General Manager, Community Planning and Development Division, dated September 3, 1999, the Committee recommended to Council as amended as follows:

- A.(a) That approval be given to Subdivision Application 99-01 (Regional File No. 25T-99006), Harp Homes Building Corporation, prospective owner, to establish a draft plan of subdivision "Sherman Meadows" on lands located at the rear of 1515 and 1519 Upper Sherman Avenue, in the Eleanor Neighbourhood, as shown on the attached map marked as APPENDIX "C" subject to the following conditions:

- (i) That this approval apply to the plan as revised in red, prepared by Urbex Engineering Limited and certified by B.A. Jacobs, O.L.S., dated May 27, 1999, showing 18 lots for single detached dwellings, 12 Blocks to be developed in conjunction with adjacent lands for single family dwellings (Blocks 19-30), one (1) block for a 0.3 m reserve (Block 31), and two (2) streets identified as Street "A" and Street "B", attached as APPENDIX "D";
- (ii) That the Owner establish Streets "A" & "B" to their full width and that these lands be conveyed to the City of Hamilton;
- (iii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes;
- (iv) That Streets "A" and "B" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;
- (v) That the owner prepare and submit, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, a municipal street numbering plan;
- (vi) That the final plan conform with the Zoning By-law approved under the Planning Act;
- (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;
- (viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
- (ix) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;
- (x) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands;
- (xi) That a 0.3 m reserve (Block 31) be established along the front of Lots 3 and 4 and the owner agree in writing to declare Lots 3 and 4 unsuitable for building purposes until such time as the existing dwelling known as 1515 Upper Sherman Avenue has been demolished to the satisfaction of the Building Commissioner;
- (xii) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands;
- (xiii) That Blocks 19-30 inclusive, be developed in conjunction with adjacent lands;
- (xiv) That Lots 3 to 18, inclusive, Blocks 19 to 29, inclusive not be allowed to develop until such time as Public Highways have been established by By-law to provide direct access to these lands;
- (xv) That Lots 3 to 18, inclusive, Blocks 19 to 29, inclusive not be allowed to develop until such time as full municipal services are available to service these lands directly;



- (xvi) That Eaglewood Drive must align centreline to centreline with Eaglewood Drive to the north as shown on Reference Plan 62R-15032;
  - (xvii) That the applicant/owner identify by survey the location of the mid-block collector street to Upper Sherman Avenue with the proposed mid-block collector street on the west side of Upper Sherman Avenue to the satisfaction of the City and the Region prior to the development of any portion of these lands;
  - (xviii) That no more than 100 units are developed on a temporary basis with only one access from Upper Sherman Avenue. A second access may be required in order to service all lots and blocks for this development;
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton with respect to this application (25T-9006), Harp Homes Building Corporation, prospective owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;
  - (c) That the Municipal Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division of Council's decision;
- B. That approval be given to Zoning Application 99-29, Harp Homes Building Corporation, prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property at the rear of 1515 and 1519 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "C", on the following basis:
    - (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
    - (b) That the Director, Land Development Department, Community Planning and Development Division be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;
    - (c) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
7. **Zoning Application 99-28, by Jomar Development corp. Inc. (c/o Joe Kutlesa), owner, for changes in zoning from "AA" and "C" to "RT-20" for lands located south of Rymal Road West, east of the City of Hamilton limits, and west of Falconridge Drive. Not Circulated. (TO BE RESCHEDULED)**

This application was not circulated as per the requirements of the Planning Act and is to be scheduled for a later date.

**8. Zoning Application 99-27, by Harry & Helen Bazuin and Gordon & Esther Pauls, owners, for a change in zoning from "AA" District to "C" District for lands located at 1423-1431 Upper Wellington Street (PDC99069)**

Prior to this Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Of 20 notices circulated, 3 replied in favour and 0 opposed.

As recommended in a report from the General Manager, Community Planning and Development Division, dated August 31, 1999, the Committee recommended to Council as follows:

That approval be given to Zoning Application ZAR-99-27, by Harry & Helen Bazuin and Gordon & Esther Pauls, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of a single family dwelling, for lands located at 1423-1431 Upper Wellington Street, as shown on the attached map marked as APPENDIX "E", on the following basis:

- (a) That the lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the General Manager, Community Planning and Development Division be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate Counsel, to amend Zoning By-law No. 6593, and Zoning District Map E-18C for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (d) That upon approval of the Zoning By-law Amendment, the Crerar Neighbourhood Plan be amended by redesignating the subject lands from "Institutional & Special Housing" to "Single & Double Residential".

**9. The King Street West Community Improvement Plan to Authorize the Implementation of the Commercial Property Improvement Loan Program (PWT99039)**

Prior to this Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

As recommended in a report from the Commissioner, Public Works and Traffic Department dated September 2, 1999, the Committee recommended to Council as follows:

- (a) That the King Street West Community Improvement Plan attached to this report as Appendix "F" be adopted in order to implement the Commercial Property Improvement Loan Program within the King Street West Community Improvement Project Area;
- (b) That the appropriate by-law be passed and enacted by Council to adopt the King Street West Community Improvement Plan to authorize the implementation of the "Commercial Property Improvement Loan Program" within the King Street West Community Improvement Project Area;

- (c) That (a) and (b) above be submitted to the Minister of Municipal Affairs and Housing for approval.

10. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION

**Master Drainage Plan for the Beach Strip - Results of the Final Report (PDC99055)**

Jennifer Payne of Marshall, Macklin, Monaghan was present to give a PowerPoint presentation to the Committee.

As recommended in a report from the General Manager, Community Planning and Development Division dated September 3, 1999, the Committee resolved as follows:

- (a) That the report titled *Master Drainage Plan Hamilton Beach* prepared by the consulting firm of Marshall, Macklin, Monaghan and dated July, 1999 be received;
- (b) That the Community Planning and Development Division prepare a report to further evaluate the specific recommendations for lot grading as identified in the *Master Drainage Plan Hamilton Beach* to the Planning and Development Committee, including advertising for a public meeting (if necessary) with respect to the following matters:
- (i) the minimum side yard setbacks of 1.7 m for all lots;
  - (ii) the minimum 12m lot frontages for all lots;
  - (iii) the back 15% of lots, for the area identified in APPENDIX "G", remain free and clear of any structures except fences;
  - (iv) the establishment of a 0.5% slope for the swale; and,
  - (v) the placement of the entire lands on the Hamilton Beach under site plan control.
- (c) That the Planning and Development Committee forward the *Master Drainage Plan Hamilton Beach* to the Transport and Environment Committee for consideration of the various engineering options to alleviate street flooding.

11. REFERRAL FROM COUNCIL

Hamilton Harbour Commission respecting Amendments to the HHC Land Use and Development By-law

The Committee resolved that the correspondence dated August 20, 1999 be referred to Corporate Counsel.

12. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

- (i) **Minutes of the meeting held August 11, 1999**

Minutes of the meeting held August 11, 1999 were approved as circulated.



(ii) **Minutes of the Special Meeting held August 18, 1999**

Minutes of the meeting held August 18, 1999 were approved as circulated.

The following recommendations were forwarded to Council for approval:

**B. GENERAL MANAGER, PLANNING AND DEVELOPMENT DIVISION**

(i) **Condominium Application 99-01, "Parktown Condominiums", by Crystal Homes Limited, for approval of a Draft Plan of Condominium for lands located at 565 Rymal Road East. (PDC99078) dated September 2, 1999:**

(a) That approval be given to Condominium Application CDM-99-01 (Regional File No. 25CDM-99005) "Parktown Condominium", Crystal Homes (The Park) Corporation (c/o K. DiSilvestro, president), owner, to establish a draft plan of a condominium to be developed in two phases for a total of 54 townhouse units, known municipally as 565 Rymal Road East, as shown on the attached map marked as APPENDIX "G", subject to the following conditions:

- (i) That this approval apply to the plan prepared by Urbex Engineering Limited and certified by J.P. Nouwens, O.L.S., dated June 2, 1999, showing a total of 54 townhouse units to be developed in two phases (27 units in Phase 1 and 27 units in phase 2);
- (ii) That the final plan of condominium comply, in all respects, with the approved Site Plan (DA-98-12);
- (iii) That the applicant satisfy all conditions of site plan approval applicable to the subject lands to the satisfaction of the City of Hamilton, prior to registration of the Final Plan of Condominium;
- (iv) That the Final Plan of Condominium comply with all of the applicable provisions of the City of Hamilton Zoning By-law No. 6593, subject to the applicant applying for and receiving final approval from the Committee of Adjustment for the following variances:
  - 1. to permit a parcel of land, shown as Phase 2, to be created without any direct frontage onto a public highway;
  - 2. to exempt the subject lands from providing a 1.5 m wide planting strip and visual barrier between the parking area on Phase 2 and the lot line of Phase 1;
  - 3. to permit a setback of 1.75 m from a lot line, for the units shown as Blocks C and B on Phase 1 and Block F on Phase 2 whereas the provisions of the Zoning By-law requires 3.0 m;
  - 4. to permit Block J on Phase 2 to be setback 5.5 m from the lot line whereas the provisions of the Zoning By-law require 6.0 m;

- (v) That the applicant apply for, and receive approval from, the Committee of Adjustment for a right-of-way over the lands shown as Phase 1 in favour of Phase 2 to provide for access to Phase 2 from Rymal Road East;
  - (vi) That the following warning clause be registered on title for all units within the development, to the satisfaction of the Director, Development Division and Corporate Counsel:

"Purchasers are advised that on-site garbage pick up for each unit by the City of Hamilton will not be available for this site."
  - (vii) That the Condominium Corporation be required to enter into and register on title the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement; and,
  - (viii) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.
- (b) That the Municipal Clerk be directed to advise the Director, Land Development, Community Planning and Development Division of Council's decision.
- (ii) **404 Jackson St W – demolition (PDC99082) dated August 27, 1999:**
- (a) That subject to subsection (b) below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 404 Jackson Street West, in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,
  - (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 404 Jackson Street West subject to the following conditions:
    - (i) the applicant has applied for and received a building permit for a replacement building on this property; and,
    - (ii) the said building permit specifies that replacement building be erected within two years of the demolition of the existing building on this property; and,
    - (iii) the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$20,000; and,
    - (iv) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the Municipal Clerk listed below) in a form satisfactory to the Building Commissioner and Corporate Counsel; and,
    - (v) if the said replacement building is not erected as required, the Municipal Clerk be authorized to add the

said sum to the collector's roll, which sum shall remain a lien upon the property until paid.

**(iii) 20 Adair Ave S – demolition (PDC99081) dated August 27, 1999:**

That the Building Commissioner be authorized to issue a demolition permit for 20 Adair Avenue South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**(iv) 3 Dexter Ave – demolition (PDC99083) dated August 19, 1999:**

That the Building Commissioner be authorized to issue a demolition permit for 3 Dexter Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**C. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

**(i) Heritage Permit – Erection of a Pier for a Commemorative Plaque in the St. Clair Avenue and St. Clair Boulevard Heritage Conservation Districts (PDC99095) dated September 15, 1999, as amended as follows:**

- (a) That a Heritage Permit be approved for the erection of a brick pier to hold a Commemorative Plaque for the St. Clair Avenue and St. Clair Boulevard Heritage Conservation Districts, on the north island park within the road allowance of the St. Clair Boulevard, as shown on the drawings attached hereto and marked as Appendix "I"; and,
- (b) That the St. Clair Avenue and St. Clair Boulevard Heritage Districts be permitted to erect the brick pier and plaque within the park; and,
- (c) That upon the completion of the construction to the satisfaction of the Public Works and Traffic Department, the pier and plaque be assumed by the City for liability and maintenance purposes.

**(ii) Heritage Permit – CN Station (PDC99094) dated September 14, 1999:**

That a Heritage Permit be approved for the following alterations to the CN Station, 360 James Street North, to be converted to a banquet and training facility for the new owner, the Laborers' International Union of North America:

- (a) extension of the stone landing in front of the main entrance (new limestone to match existing as closely as possible) and, the installation of two ramps and railings for barrier-free access (parallel to the façade); and,
- (b) removal of the rear exterior ramp and stair enclosures attached to the concourse with the steel stairs and structures of the ramp/stair wells remaining in the areas not damaged by fire, and, the removal of the lower section of the partially surviving ramp at the north-east corner of concourse (east of the existing stairway); and,



- (c) exterior alteration on the east façade to allow for the construction of a service ramp from the new kitchen to the main floor of the concourse; and,
- (d) removal and replacement of all exterior windows with new windows to replicate the appearance of the original ones; and,
- (e) removal of the baggage counters and marble cladding from the east wall of the lobby to be replaced with ornamental metal doors to the corridor and elevator entrance; and,
- (f) covering of the glazed brick masonry interior walls of the concourse with drywall, and, covering of the plaster ceiling with fire retardant fabric.

**D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

**(i) Information Items**

The Committee approved the previously received information items as follows:

- (a) General Manager, Community Planning and Development Division, re: Revision of Owner Responsibility and Acknowledgement clauses in Planning Application forms (PDC99066) dated August 16, 1999.
- (b) Office of the Minister of Transport re: Hamilton Harbour Commissioners' Land Use and Development Bylaw dated August 25, 1999.
- (c) Secretary, LACAC re Minutes of the meeting held July 12, 1999 dated September 13, 1999.

**(ii) Authorization to attend Making Cities Livable Conference, Nov.1-5, 1999 dated September 16, 1999:**

That the Chairman or his designate be authorized to attend the Making Cities Livable Conference to be held on Carmel, California November 1 to 5, 1999 and that all costs be charged to Account No. 56325-300120.

**13. PRIVATE AND CONFIDENTIAL AGENDA**

The Committee adjourned into closed session to discuss property matters and reconvened immediately thereafter with the following reports:

**A. GENERAL MANAGER, CORPORATE SERVICES & GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT**

Expression of Interest with Respect to the Sale of City Property at 344 Ferguson Avenue North, Hamilton (CS99012)

- (a) That staff be directed in accordance with the City's Real Estate Property Sales Procedural By-law No. 95-049, to commence immediate internal circularization of 344 Ferguson Avenue North and

cause a report to be brought back to Council with respect to having the property declared surplus to the requirements of the City; and,

- (b) That subsequent to City Council declaring the property surplus, the City's Real Estate Supervisor be directed to carry out the required public notice of the intended sale.

- Alderman Haining opposed.

**B. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT**

Proposed Acquisition of Historic Auchmar land in exchange for City's Albion Mills Estate property (PDC99098)

- (a) That pursuant to the City sale of the Albion Mills property (Item 25, 15<sup>th</sup> Report, Planning & Development Committee approved by City Council on August 11, 1999) and in accordance with the Municipal Act and the Real Property Sales Procedural By-law No. 95-049, the Municipal Clerk be authorized and directed to issue the required Certificate of Compliance, incorporating the following:
  - (i) this property was declared surplus by resolution passed on 1999 August 11, item 25, 15<sup>th</sup> Report, Planning and Development Committee ,
  - (ii) public notice of intent to sell this property was given by a sign posted on the property on September 3, 1999,
  - (iii) an appraisal of the fair market value of this property was obtained on July 22, 1999,
- (b) That the Agreements of Purchase and Sale authorized as Item 25 of the 15<sup>th</sup> Report of the Planning and Development Committee approved by City Council at its meeting on August 11, 1999, shall provide that the value of each property being exchanged be set at (\$2,000,000.00) Two Million Dollars;
- (c) That prior to the City's sale of the Albion Mills Estate subdivision site, the City shall grant an easement for \$1.00 to the Region for a temporary detour of Mount Albion Road during construction of the Red Hill Creek Expressway. Such easement shall be located within a portion of proposed Lot 17 and within the North/South portion of Street "A", as illustrated on draft Albion Mills Estate subdivision plan 25T-97013. Such easement shall continue until such time as the Region, in its discretion, decides such easement is no longer required and the Region releases the subject land from the easement;
- (d) That in accordance with the Municipal Act and the Real Property Sales Procedural By-law No. 95-049, the Municipal Clerk be authorized and directed to issue the required Certificate of Compliance for the sale of the said easement, incorporating the following:
  - (i) this property was declared surplus by resolution passed on August 11, 1999 item 25, 15<sup>th</sup> Report, Planning and Development Committee ,
  - (ii) public notice of intent to sell this property was given by a sign posted on the property on September 3, 1999,
  - (iii) the sale of this easement is exempt from an appraisal by Provincial regulation;

- (e) That the re-sale of the 3.55 acre portion of the Auchmar property by the City to 1333786 Ontario Limited for (\$1,000,000.00) One Million dollars, scheduled to close on or before June 21, 2000, is conditional upon 1333786 Ontario Limited taking title subject to a heritage easement on the subject lands;
- (f) That for the purposes of re-sale of the 3.55 acre portion of the Auchmar property by the City, the General Manager, Community Planning & Development, be authorized and directed to report back to Council for purposes of the City's required Certificate of Compliance, and in accordance with the Municipal Act and the Real Property Sales Procedural By-law;
- (g) That a Heritage Easement for the Auchmar property be established in favour of the City or the Ontario Heritage Foundation on or prior to the City's re-sale of any portion of the Auchmar property, which easement shall be registered on closing or immediately thereafter;
- (h) That City officials be authorized directed to execute an Amending Agreement of the Agreement of Purchase and Sale (which agreement is attached to this report) between 1333786 Ontario Ltd., and the DeSantis group whereby 1333786 Ontario Ltd., agrees to take title subject to heritage restrictions/easements;
- (i) That the General Manager, Community Planning & Development be authorized and directed to investigate and formulate a long term strategic plan for the preservation and use of the Auchmar property, in consultation with members of the public, LACAC, the current tenant, and any other interested parties, and to report back to Council;
- (j) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the Director of Legal Services.

**C. DIRECTOR OF LEGAL SERVICES AND CORPORATE SERVICES**

That Corporate Counsel be authorized to initiate appeal proceedings in regard to Ontario Municipal Board Decision/Order No. 1750 respecting the ability of municipalities to regulate rental housing in Official Plans.

**14. OTHER BUSINESS**

None

**15. ADJOURNMENT**

There being no further business the Committee meeting adjourned.

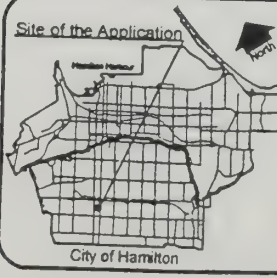
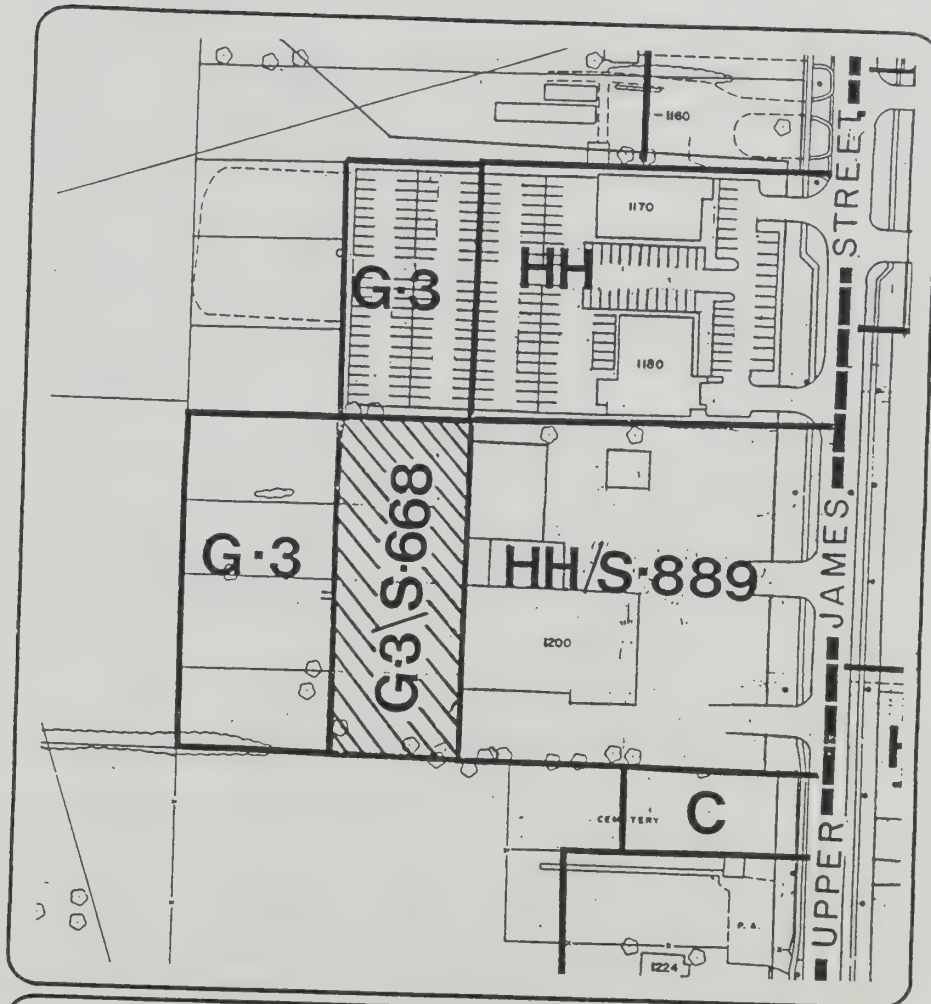
Taken as read and approved.

Alderman F. D'Amico  
Chairman  
Planning and Development Committee

Tina Agnello  
Secretary  
/ta




Appendix "A" referred to  
 In Section 2 of the Planning &  
 Development Committee minutes  
 of September 22<sup>nd</sup>, 1999



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

# Location Map

## Legend

 Further modification to the  
 "G-3"(Public Parking Lots) District, modified

|                     |
|---------------------|
| Reference file      |
| <b>ZAR-99-24</b>    |
| Scale               |
| <b>Not to Scale</b> |
| Date                |
| <b>June, 1999</b>   |
| Technician          |
| <b>B. B.</b>        |
| <b>APPENDIX 'A'</b> |

- (e) That the re-sale of the 3.55 acre portion of the Auchmar property by the City to 1333786 Ontario Limited for (\$1,000,000.00) One Million dollars, scheduled to close on or before June 21, 2000, is conditional upon 1333786 Ontario Limited taking title subject to a heritage easement on the subject lands;
- (f) That for the purposes of re-sale of the 3.55 acre portion of the Auchmar property by the City, the General Manager, Community Planning & Development, be authorized and directed to report back to Council for purposes of the City's required Certificate of Compliance, and in accordance with the Municipal Act and the Real Property Sales Procedural By-law;
- (g) That a Heritage Easement for the Auchmar property be established in favour of the City or the Ontario Heritage Foundation on or prior to the City's re-sale of any portion of the Auchmar property, which easement shall be registered on closing or immediately thereafter;
- (h) That City officials be authorized directed to execute an Amending Agreement of the Agreement of Purchase and Sale (which agreement is attached to this report) between 1333786 Ontario Ltd., and the DeSantis group whereby 1333786 Ontario Ltd., agrees to take title subject to heritage restrictions/easements;
- (i) That the General Manager, Community Planning & Development be authorized and directed to investigate and formulate a long term strategic plan for the preservation and use of the Auchmar property, in consultation with members of the public, LACAC, the current tenant, and any other interested parties, and to report back to Council;
- (j) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the Director of Legal Services.

**C. DIRECTOR OF LEGAL SERVICES AND CORPORATE SERVICES**

That Corporate Counsel be authorized to initiate appeal proceedings in regard to Ontario Municipal Board Decision/Order No. 1750 respecting the ability of municipalities to regulate rental housing in Official Plans.

**14. OTHER BUSINESS**

None

**15. ADJOURNMENT**

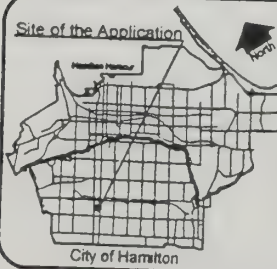
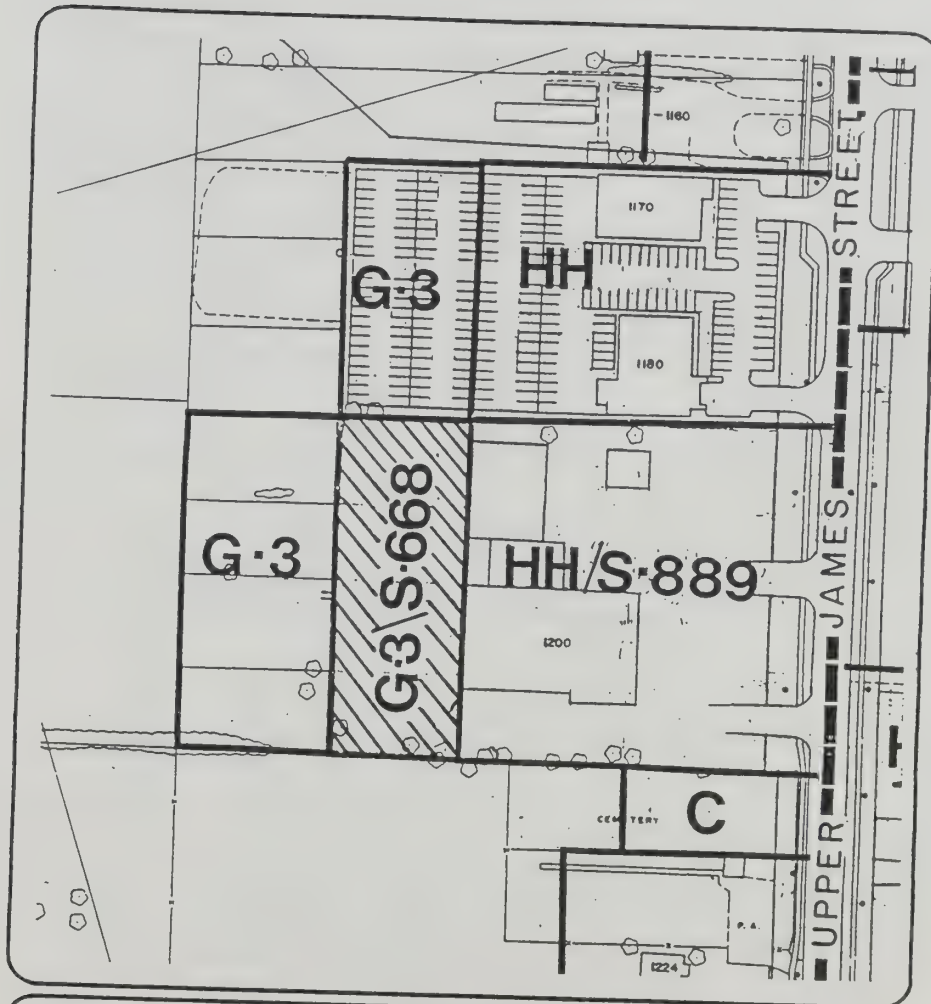
There being no further business the Committee meeting adjourned.

Taken as read and approved.

Alderman F. D'Amico  
Chairman  
Planning and Development Committee

Tina Agnello  
Secretary  
/ta

Appendix "A" referred to  
 In Section 2 of the Planning &  
 Development Committee minutes  
 of September 22<sup>nd</sup>, 1999



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend

 Further modification to the  
 "G-3"(Public Parking Lots) District, modified

Reference file  
**ZAR-99-24**

Scale  
**Not to Scale**

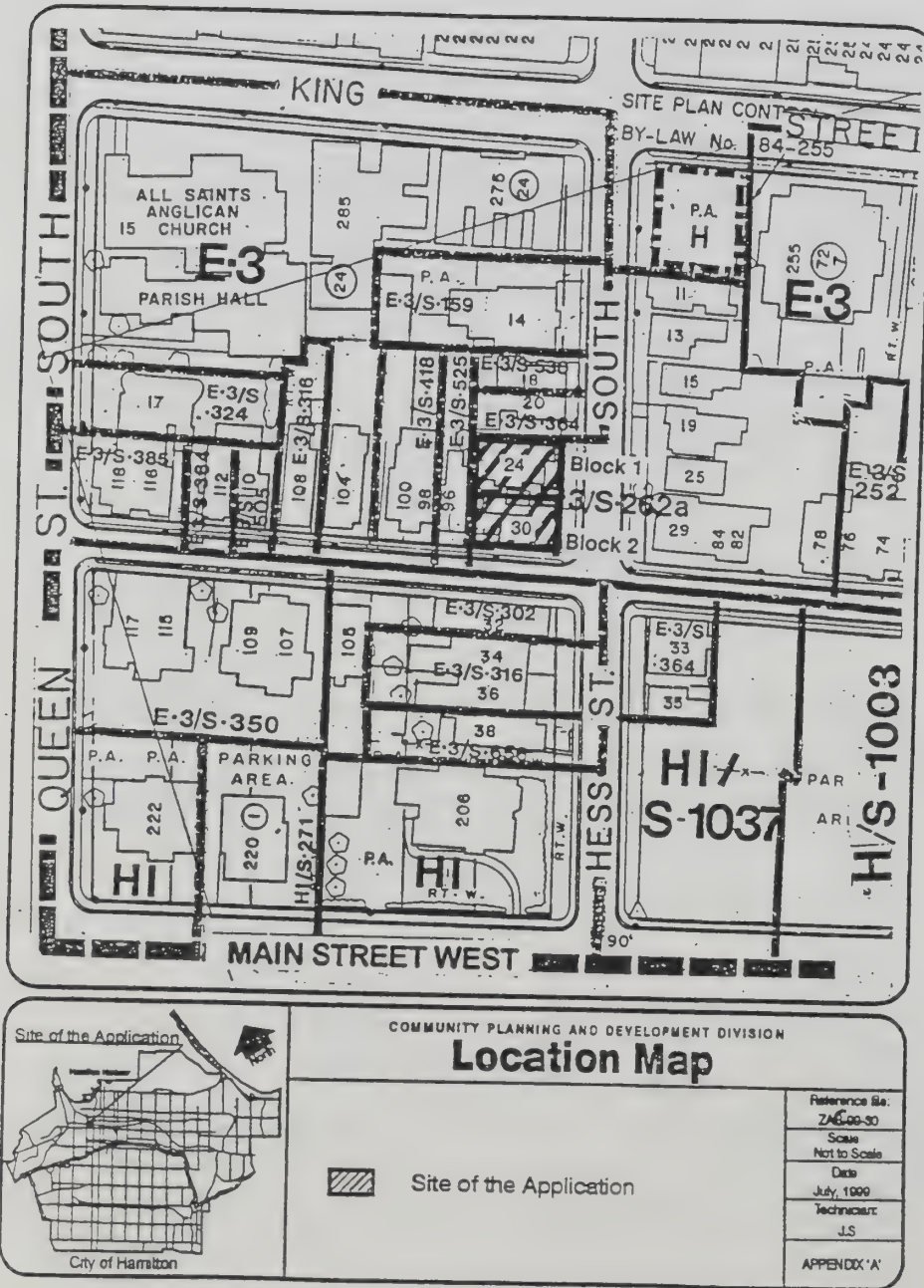
Date  
**June, 1999**

Technician  
**B. B.**

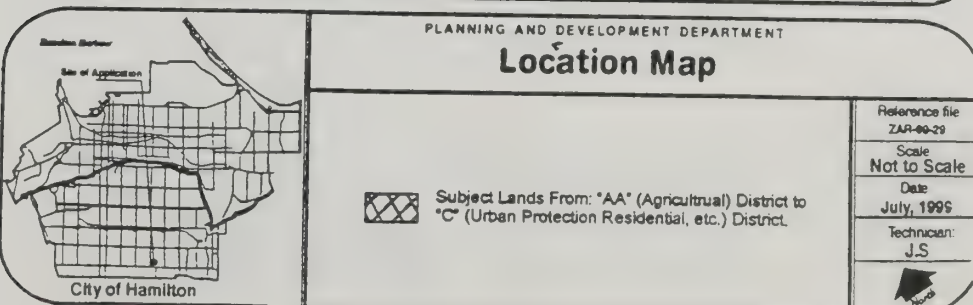
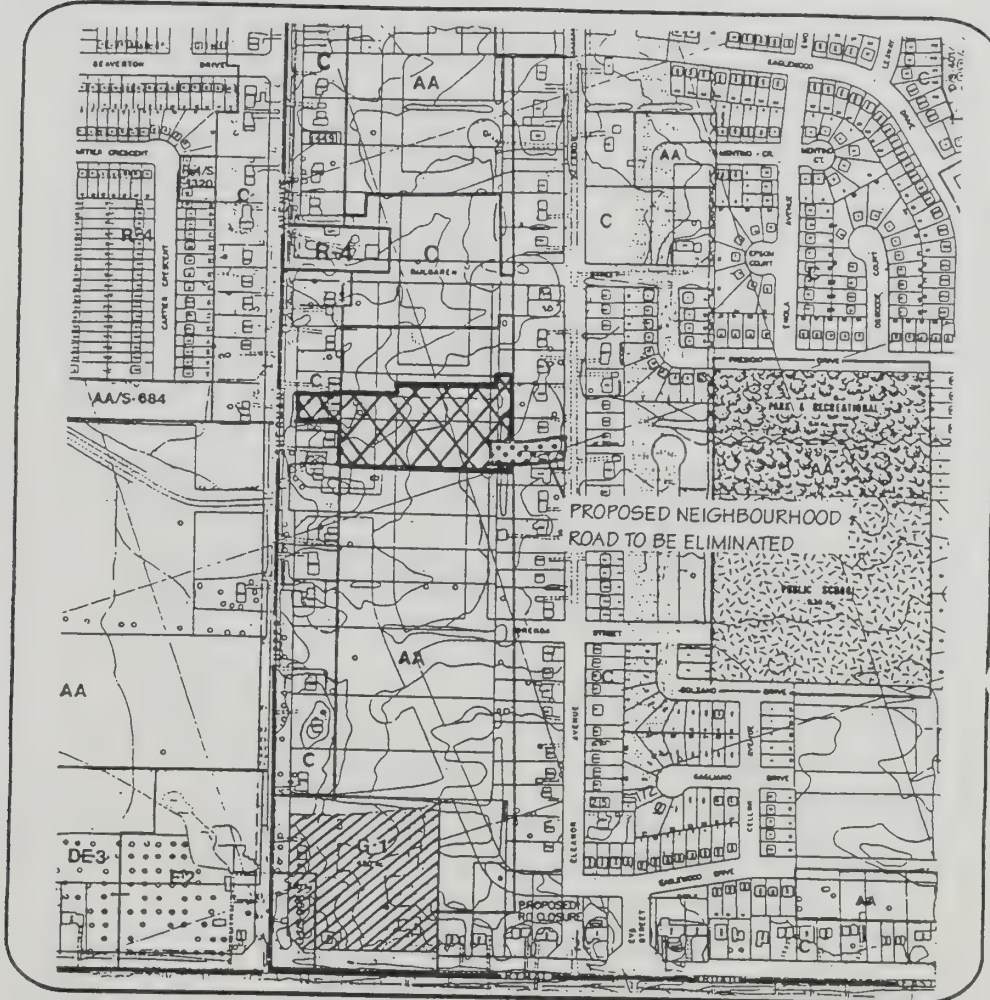
**APPENDIX 'A'**



Appendix "B" referred to in  
Section 5 of the Planning &  
Development Committee minutes  
of September 22<sup>nd</sup>, 1999

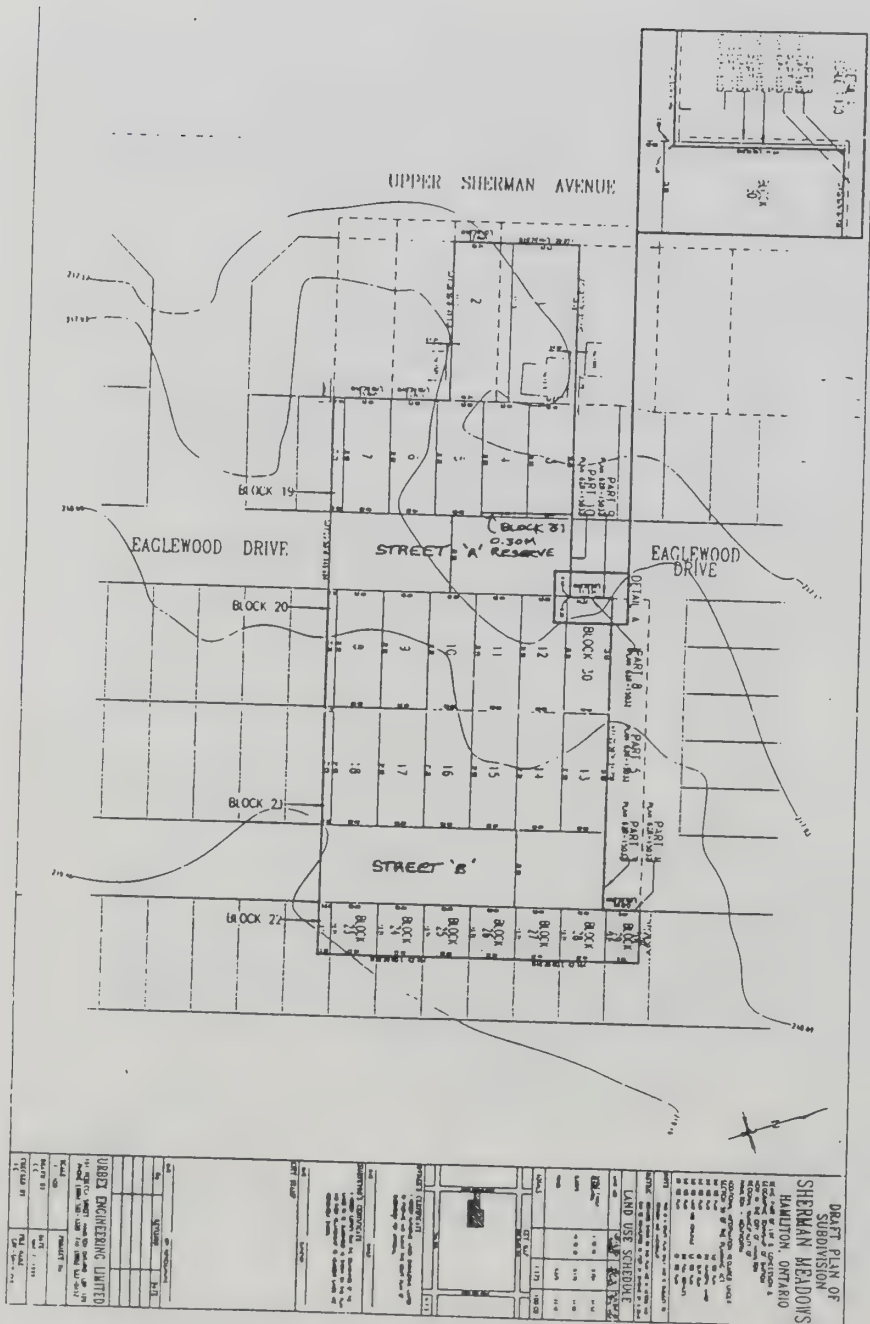


Appendix "C" referred to in  
Section 6 of the Planning &  
Development Committee minutes  
of September 22<sup>nd</sup>, 1999



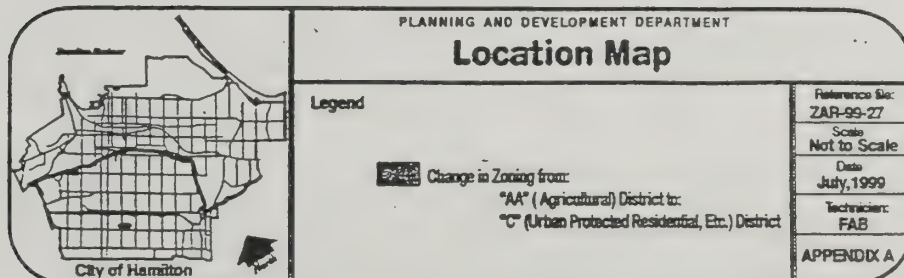
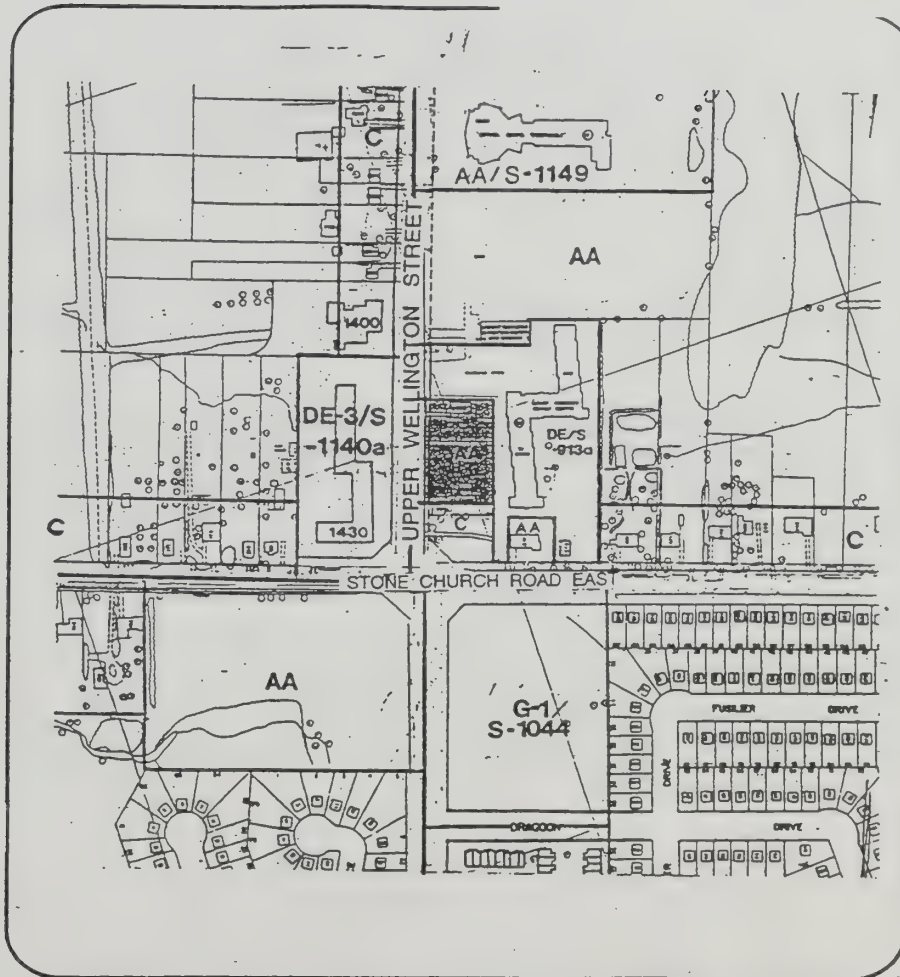
APPENDIX A

Appendix "D" referred to  
In Section 6 of the Planning &  
Development Committee minutes  
of September 22<sup>nd</sup>, 1999





Appendix "E" referred to in  
 Section 8 of the Planning &  
 Development Committee minutes  
 of September 22<sup>nd</sup>, 1999



Appendix "F" referred to in  
Section 9 of the Planning &  
Development Committee minutes  
of September 22<sup>nd</sup>, 1999

***THE KING STREET WEST  
COMMUNITY IMPROVEMENT PLAN***

1999 JULY

**THE KING STREET WEST  
COMMUNITY IMPROVEMENT PLAN  
FOR THE KING STREET WEST  
COMMUNITY IMPROVEMENT PROJECT AREA**

**PURPOSE:**

This Community Improvement Plan is intended to apply to the King Street West Community Improvement Project Area as shown in Schedule 'A'.

Rather than being focussed on large-scale redevelopment, this Community Improvement Plan focuses on rehabilitation and the updating of existing facades and interiors of commercial buildings within the King Street West Community Improvement Project Area.

**INTRODUCTION:**

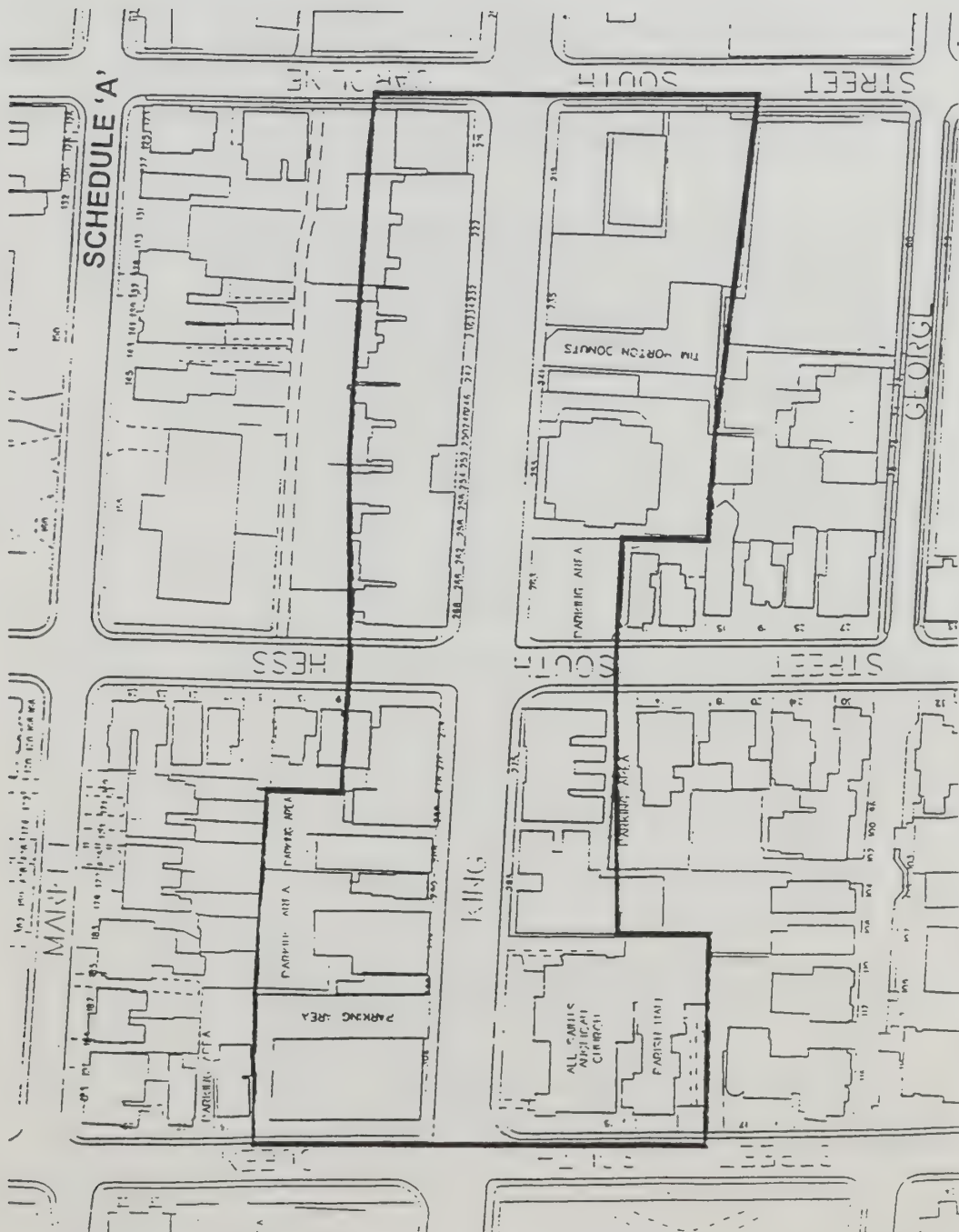
The King Street West Community Improvement Project Area falls within the Central Policy Area as per the City of Hamilton's Official Plan. Accordingly, the area is to be promoted as a multi-use node by creating an attractive environment in which to live, work, do business, shop or visit. King Street West is a major commercial area within the Central Policy Area.

As part of the City of Hamilton's Downtown Hamilton Improvement Plan, improvements to the streetscape are planned for King Street West. Improvements identified include, but are not limited to, the reconstruction of sidewalks incorporating urban braille, new heritage style lights and poles, planting of flower beds and trees, street furniture, banners and street blades. The City's commitment to re-invest in King Street West is intended to act as a catalyst to foster greater awareness, activity and pride.

Streetscape improvements need to be augmented by corresponding visual improvements to the surrounding built environment. The visual appearance can be enhanced through the upgrading of existing building fronts and interiors of commercial buildings.



To encourage individual owners of buildings to renovate, loans are available from the Municipality under this Plan through the Commercial Property Improvement Loan Program in accordance with the guidelines attached as Schedule 'B'. This program demonstrates the City's leadership in a joint public-private funding approach to improving the environment within the King Street West Community Improvement Project Area.



IRVING ST. W. COMMUNITY IMPROVEMENT PROJECT AREA

## SCHEDULE 'B'

### COMMERCIAL PROPERTY IMPROVEMENT LOAN PROGRAM PROPERTY OWNER GUIDELINES

1. Upon receipt of a satisfactory application which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189. If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.
2. Repayment of the loans shall be monthly but open to full repayment at any time without notice or penalty.
3. These loans are solely intended for the owners of lands within the said designated Community Improvement Project Area where the owners' lands are used for non-residential commercial purposes which, in the opinion of the City,
  - (a) are intended for the eligible improvements and expenses contemplated in the corresponding Plan.
  - (b) fulfil the objectives of the City expressed in the corresponding Plan.
  - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
4. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of \$15,000 in respect of the cost of eligible façade and exterior renovations to



each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Board of Management of the respective Business Improvement Area. These loans are subject to a maximum limit of \$45,000 (3 units, \$15,000 each) for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s).

5. Loans may be made to an owner of a non-residential commercial property not exceeding the sum of \$10,000 in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Board of Management of the respective Business Improvement Area, subject to,
  - (a) a loan maximum of \$30,000 for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s); and,
  - (b) the tenant, if any, accepting in writing the proposed interior improvements.
6. Loans may be for the following types of improvements and their related expenses:
  - exterior building envelope
  - major building systems, including roof, wiring, plumbing, heating
  - interior fixtures, including partitions
  - interior decorating, including lighting, painting, wallpaper, etc.
  - built-in showcases, freezers, special plumbing, etc.
  - exterior/interior signage
  - related professional fees (architects, engineers, appraisers, lawyers etc.) and application fee of the greater of 1.5% of the loan or \$200
  - such other loan program administrative fees fixed by Council from time to time

Loans shall be advanced only in respect of completed work that has been inspected by the City.

Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.

7. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Before a loan is advanced for façade improvements (storefronts, aesthetics, signage etc.), deficiencies shall be repaired and qualify for a loan.
8. The owner will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
9. A report of the Social and Public Health Services Division, Housing and Shelter Branch, on each loan will be made to the Planning and Development Committee and Council for approval. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of the loan applications.
10. (A) Each borrower shall give the City a promissory note in respect of each loan;  
(B) As security for repayment of the loan made by the City, the borrower shall:
  - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;
  - (ii) consent to a City Lien being registered on title to the property being improved in which the property

owner must have at least 25% equity, after covering outstanding property encumbrances, not including the amount of the City's loan;

(iii) where an owner has less than 25% equity in the property being improved:

(1) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;

(2) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City, at the owner's expense, in a form satisfactory to the City Solicitor;

(iv) keep in good standing all realty taxes and B.I.A. levies.

-10. Upon sale of the property improved by the loan, the loan/lien is due and payable in full to the City unless the new owner of the property meets the lending criteria and assumes the original terms and conditions of the loan.

Upon sale of a property which secures by a collateral mortgage repayment of a loan, the loan is due and payable in full to the City.



## TENANT LOAN GUIDELINES

11. The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within a Community Improvement Project Area. To be eligible for a loan the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for a levy payable to the Board of Management of the respective Business Improvement Area.
12. Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189. If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.
13. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
14. These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Area where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
  - (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan;
  - (b) fulfil the objectives of the City expressed in the Community Improvement Plan;

- (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
15. Loan amounts shall not exceed the sum of \$10,000 in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If a tenant has more than one leasehold interest eligible for this program, the tenant may only receive a maximum of \$30,000 in loans under this Program.
16. In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000 collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
17. Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions
  - interior decorating, including lighting, painting, wallpaper etc.
  - built-in showcases, freezers, special plumbing etc.
  - signage
  - related professional fees (architects, engineers, appraisers, lawyers etc.) and the application fee of the greater of 1.5% of the loan or \$200
  - such other loan program administrative fees fixed by Council from time to time.
18. Loans shall be advanced only in respect of completed work that has been inspected by the City.

- 543
19. Loans may not be made for expenses such as chattels (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
  20. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Before a loan is advanced for façade improvements (storefront, aesthetics, signage etc.) deficiencies shall be repaired and qualify for a loan.
  21. The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
  22. A report by the Social and Public Health Services Division, Housing and Shelter Branch, on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
  23. Each borrower shall give the City a promissory note in respect of each loan, and as security for repayment of the loan made by the City, the borrower shall:
    - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City
    - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage



- (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the Corporate Counsel
24. The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
  25. The Departmental charge shall be 1 ½% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
  26. Upon the sale of a property that is secured by a collateral mortgage, the loan is due and payable in full to the City.
  27. All loans become due and payable upon the sale, closing or moving of the borrower's business.

## APPENDIX "C"



## COMMUNITY PLANNING AND DEVELOPMENT DIVISION

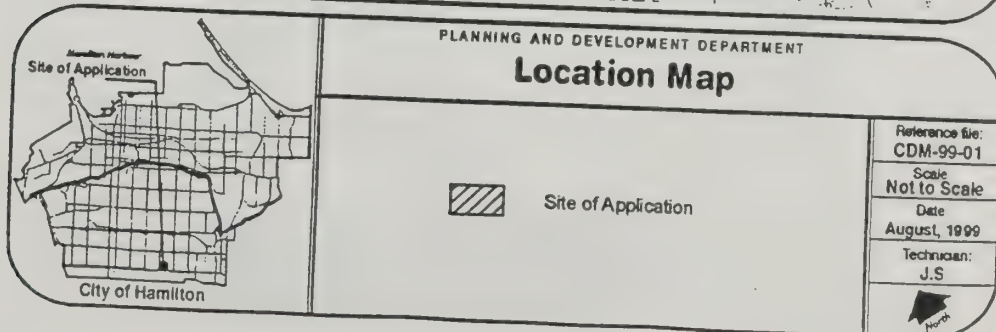
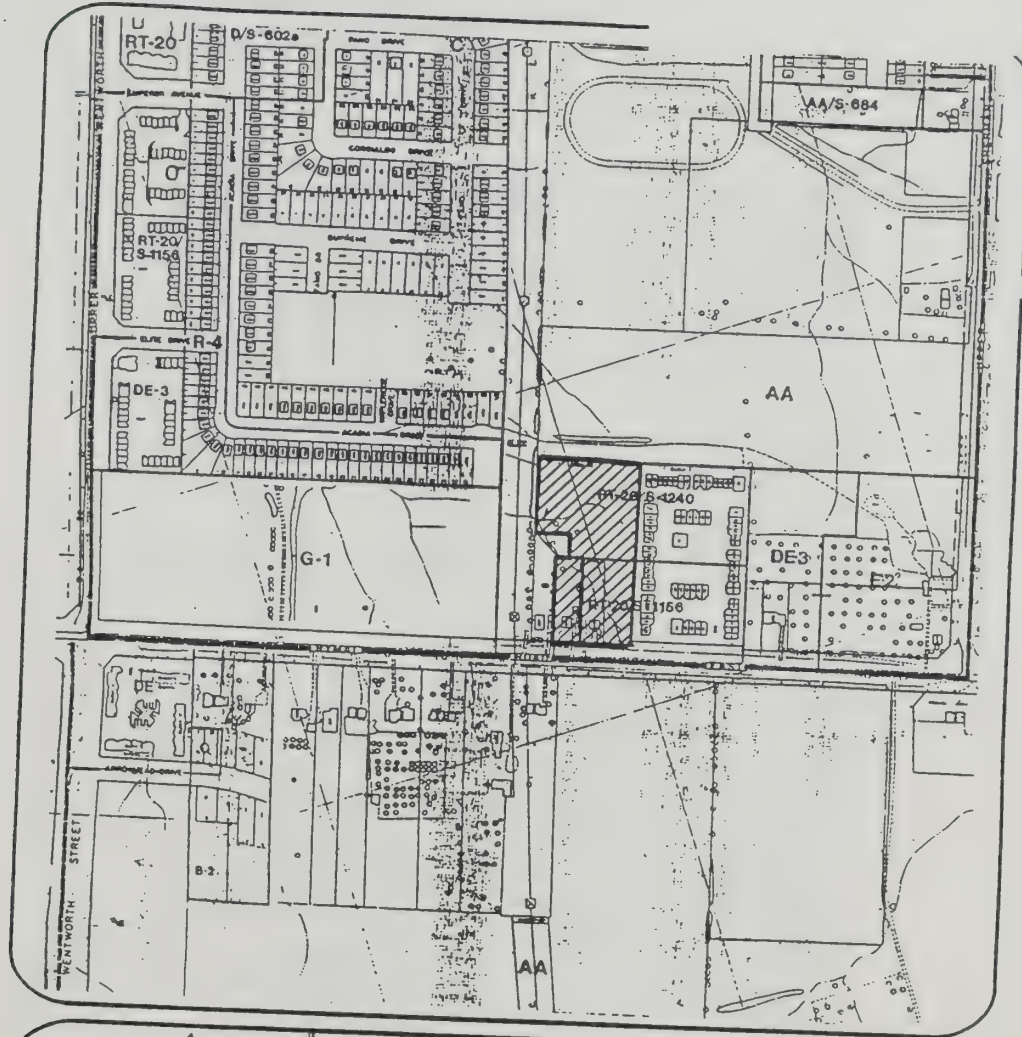
## Location Map

**No Structures, except fences, allowed within the last 15% of the rear yard**

|                 |              |
|-----------------|--------------|
| Reference file: | CI-98-D      |
| Scale           | Not to Scale |
| Date            | Aug. 1999    |
| Technician:     | J.S          |
| Appendix "B"    |              |

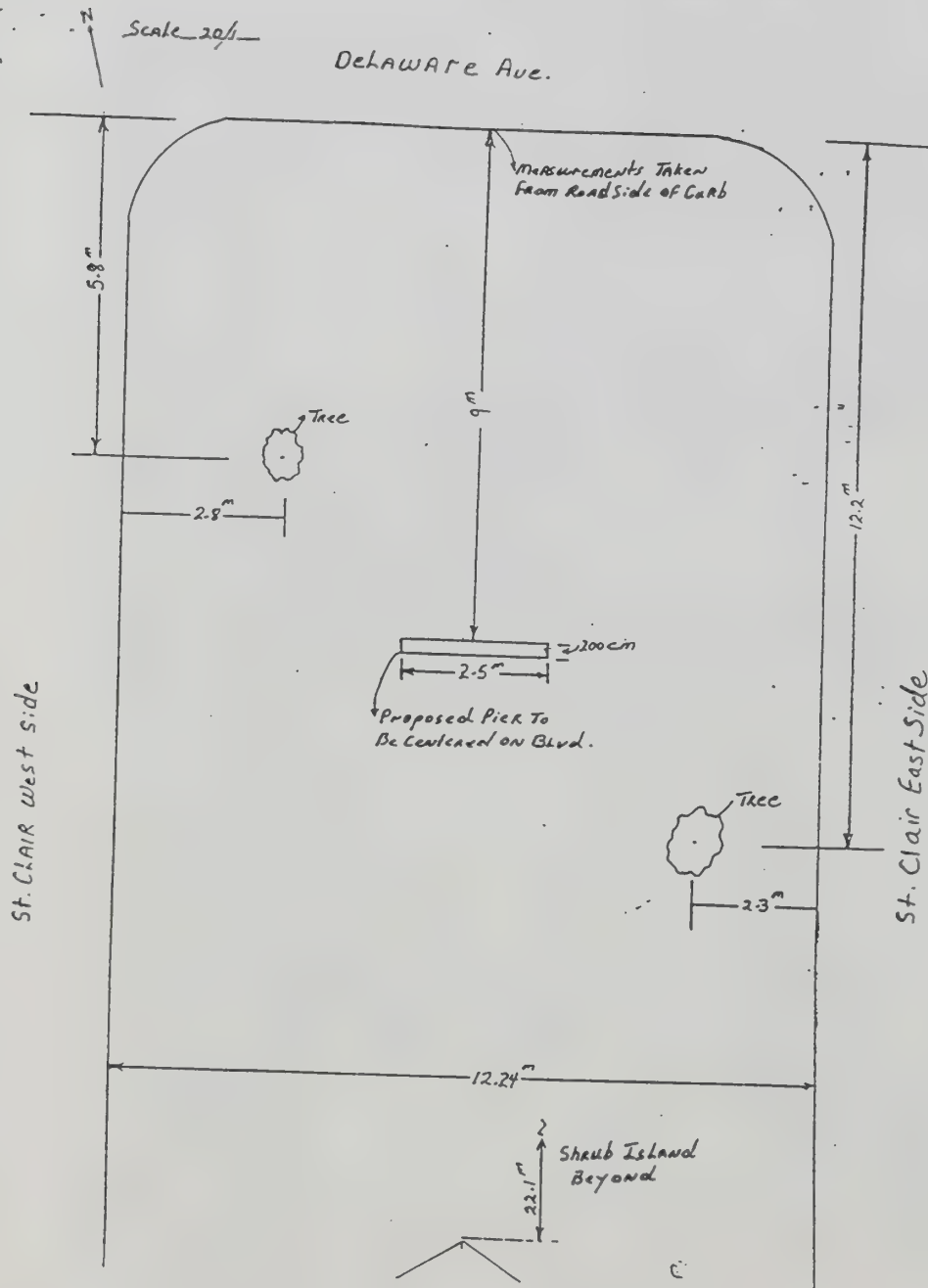
Appendix "B."

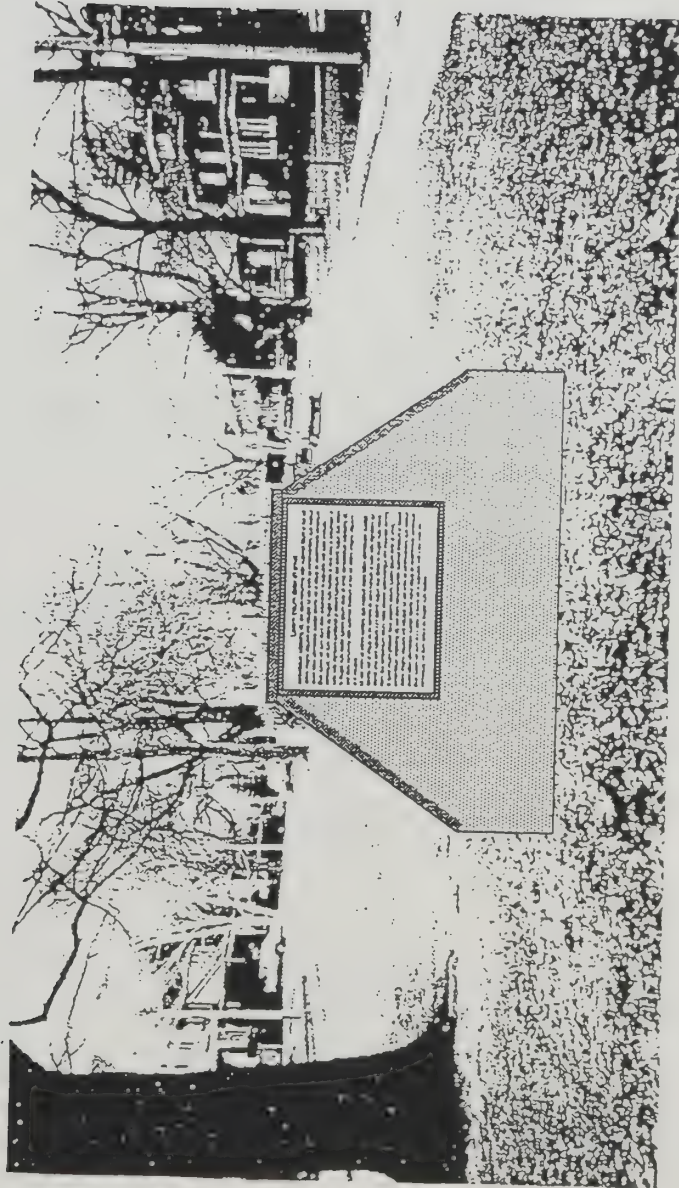
Appendix "H" referred to in  
Section 12 (b) (i) of the Planning &  
Development Committee minutes  
of September 22<sup>nd</sup>, 1999





Appendix "I" referred to in  
Section 12 (ii) of the Planning &  
Development Committee minutes  
of September 22<sup>nd</sup>, 1999









B:)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1999 September 14

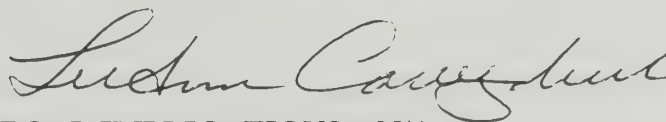
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
2717 KING STREET EAST - Tag Number 99-136403  
(99.1.1.A) (PDC99089)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** AA (Map E-106)

**PRESENT USE:** Residential Single Family Dwelling

**PROPOSED USE:** Vacant Land

**BRIEF DESCRIPTION:** The owner proposes to remove the existing dwelling and relocate the house to Battlefield Park in Stoney Creek. This property is located on the northeast corner of Nash Road South and King Street East in the Greenford Neighbourhood, and is located in Ward 5. This property is listed on the Inventory of Buildings of Architectural and Historical Interest. Lot size 586.65' x 508.86'.

The owner of the property and applicant as per the demolition permit is:

Owen Jackman  
4 Douglas Place  
Stoney Creek, Ontario L8G 1M6

FP/zr



Bii)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1999 September 20  
ZAR-99-18 (ZAC-98-18)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Request for removal of the 'H' (Holding) Symbol – lands located at  
27 Dundurn Street North (PDC99097)

**RECOMMENDATION:**

- A. That approval be given to Zoning Application 99-18, Hugh MacLeod, owner, requesting removal of the 'H' (Holding) symbol provisions under Section 36(1) of the Planning Act, R.S.O., 1990, to permit a 60 seat live theatre with attendant facilities, a 24 seat restaurant and one (1) dwelling unit within the existing building, for lands located at 27 Dundurn Street North, as shown on the attached map marked as APPENDIX "A"; and,
- B. That the Director, Land Development Department, Community Planning and Development Division, be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 as amended by By-law No. 98-258, for presentation to City Council.

**EXPLANATORY NOTE:**

The purpose of the by-law is to remove the 'H' (Holding) symbol, for lands located at 27 Dundurn Street North, as shown on the attached map marked as Appendix "A". The 'H' (Holding) provisions was placed on the subject lands and prohibited development until:

- i) The applicant submits a signed Record of Site Condition (RSC) to the Region and Ministry of Environment (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment and Energy; and,
- ii) The applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton.



City Council may remove the 'H' symbol, and thereby give effect to the "D" District modified provisions as stipulated in By-law 98-258 by enactment of an amending By-law once the conditions are fulfilled.



#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council approval is required for removal of the holding provision.

#### **BACKGROUND:**

##### Zoning Application ZAC-98-18

The Planning and Development Committee and City Council approved Zoning Application ZAC-98-18, by Hugh MacLeod, owner, on September 23, 1998 and September 29, 1998, respectively, for a change in zoning from "C" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "D" – 'H' (Urban Protected Residential – One and Two Family Dwellings, etc. – Holding) District, modified to permit a sixty (60) seat live theatre with attendant facilities, a twenty-four (24) seat restaurant, and one (1) residential dwelling unit within the existing building, for property located at 27 Dundurn Street North. In addition, the amending by-law applied the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until:

- i) The applicant submits a signed Record of Site Condition (RSC) to the Region and Ministry of Environment (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment and Energy; and,
- ii) The applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton.

City Council may remove the 'H' symbol, and thereby give effect to the "D" District modified provisions as stipulated in By-law 98-258 by enactment of an amending By-law once the conditions are fulfilled.

By-law 98-258 came into effect on December 3, 1998.

**APPLICANT:**

Hugh MacLeod, owner.

**COMMENTS:**

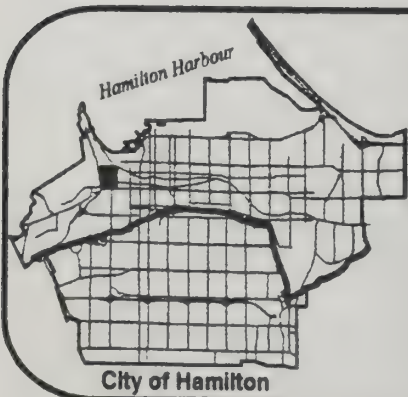
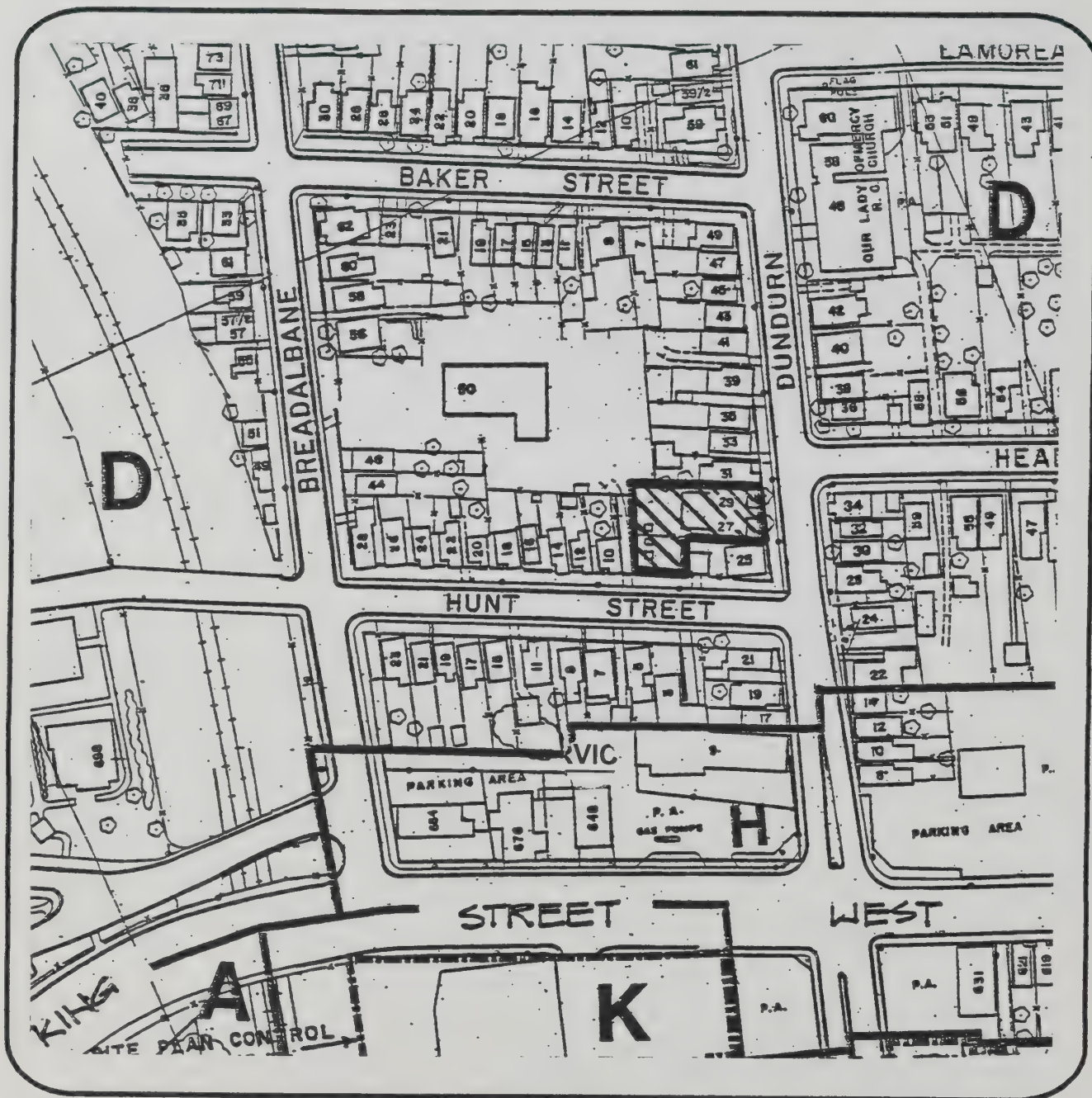
The Regional condition pertaining to the submission of a Record of Site Condition for this proposal has been met, and the applicant applied for and received Site Plan Approval for the development on July 5, 1999. The final plans and drawing were cleared on September 13, 1999, however registration on title of the Site Plan Control Agreement is pending finalization of the legal documents, but is forthcoming. Thus, it is recommended that the 'H' (Holding) symbol be removed.

**CONCLUSION:**

Based on the foregoing, removal of the 'H' – Holding provision can be supported.

JL/jl

ZAR-99-18



PLANNING AND DEVELOPMENT DEPARTMENT

# Key Map By-Law No.99-.....



Site of The Application

Reference file:

ZAR-99-18

Scale

Not to Scale

Date

July, 1999

Technician:

M.M.



APPENDIX "A"



C.

## CITY OF HAMILTON

### RECOMMENDATION

**DATE:** 1999 September 20

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Michael J. Schuster  
General Manager, Social and Public Health Services Division

**SUBJECT:** Community Heritage Trust Fund Program  
293 Park Street South, Hamilton (HSB99003)

#### RECOMMENDATION:

That a loan under the Community Heritage Trust Fund Program in the amount of eleven thousand, three hundred and thirty-nine dollars (\$11,339) to David and Janis Topp for improvements to 293 Park Street South, Hamilton, be approved, subject to the fulfillment of the requirements of the program.



Michael J. Schuster, General Manager

#### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The loan of \$11,339 will be funded from the Community Heritage Trust Fund, the uncommitted balance of which is \$449,343.93.

#### BACKGROUND:

The Community Heritage Trust Fund was established by the City and the Province as a municipally administered low interest loan program to provide assistance to owners of properties designated under the Provincial Heritage Act. 293 Park Street South was designated under Part IV of the Ontario Heritage Act in 1989.

David and Janis Topp, the owners of the property, have applied under the terms of the above program to repaint to exterior of the house. As per the terms of the program, the Heritage Planning staff have reviewed the estimates for the work to be undertaken, and based on the list of eligible projects previously approved by the Local Architectural Advisory Committee (L.A.C.A.C.), support the above recommendation.

Staff recommends that a Community Heritage Trust Fund Loan in the amount of \$11,339 be approved. In accordance with program requirements, loan security is provided by a promissory note and lien; with the loan amortized for ten (10) years at zero per cent interest, the monthly payment will be \$94.49.

MJS/MM/dk

Cc        R. Camani, Finance Division  
           D. Powers, Legal Services  
           N. Chapple, Community Planning and Development  
           M.V. Mascarenhas, Housing and Shelter Branch

-

D.

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** September 28, 1999

**REPORT TO:** Alderman F. D'Amico, Chairperson & Members,  
Planning and Development Committee

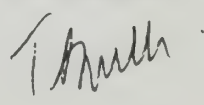
**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** Information Items

**RECOMMENDATION:**

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) General Manager, Community Planning and Development Division re: 195 Ferguson Avenue North- Implementation of the Wesley Ontario Municipal Board Decision (PDC99088) dated September 10, 1999.
- (b) Hamilton- Wentworth Heritage Association re: correspondence dated September, 1999.



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.





CAY ON HBL AOS

CS1P4

1999



**URBAN  
MUNICIPAL**

**NOTICE OF MEETING**

**SPECIAL PLANNING AND DEVELOPMENT COMMITTEE**

**URBAN MUNICIPAL**

**Tuesday, November 9, 1999**

**6:30 o'clock p.m.**

**Room 233, City Hall**

**NOV 9 1999**

**GOVERNMENT DOCUMENTS**

**Tina Agnello, Secretary  
Planning and Development Committee**

**AGENDA**

**1. GENERAL MANAGER, CORPORATE SERVICES**

Declaration of Surplus Property- 344 Ferguson Avenue North (CS99022)

**2. ADJOURNMENT**

Urban Municipal Collection  
2<sup>nd</sup> Floor  
Hamilton Public Library





1.

CITY OF HAMILTON  
- RECOMMENDATION -

DATE: 1999 November 4  
99C.75 K. Nutley

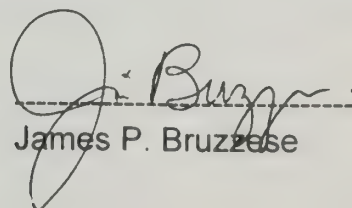
REPORT TO: Tina Agnello, Secretary  
Planning and Development Committee

FROM: James P. Bruzzese  
General Manager, Corporate Services

SUBJECT: Declaration of Surplus Property – 344 Ferguson Ave. North  
(CS99022)

RECOMMENDATION:

- (a) That the property at 344 Ferguson Avenue North be declared surplus to the requirements of the City of Hamilton in accordance with the Real Property Sales Procedural By-law No.95-049; and,
- (b) That Real Estate, Legal Services Section be authorized and directed to sell this Property in accordance with the Real Property Sale Procedural By-law 95-049 and cause a report to be brought back to Council respecting any proposed sale; and,
- (c) That prior to any sale of the subject property those lands that are required, if any, for the implementation of the Ferguson Avenue Master Plan be identified and retained in the ownership of the City; and,
- (d) That the completion of any proposed sale be subject to the relocation of the Public Works Yard presently occupying this property.

  
James P. Bruzzese

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost of the relocation of the Public Works Yard located at 344 Ferguson Avenue North as part the consolidation of services as set out in the Feasibility Study of City of Hamilton, Region of Hamilton-Wentworth Departments at the HSR Wentworth Facility has been estimated to be \$8264.00

**BACKGROUND:**

Pursuant to the direction of the Planning and Development Committee at it's meeting of September 22, 1999 the property at 344 Ferguson Avenue North which is presently utilized as Public Work Yard comprising 3.55 acres, has been circulated to all municipal departments for the purpose of having the property declared surplus to the requirements of the City.

Although no interest was shown in respect to retaining the subject property the following comments were received:

- that the appropriate lands be retained by the City for the implementation of the Ferguson Avenue Master Plan "The Revitalization of Ferguson Avenue" (Simcoe Street to Barton Street) including requirements for a bicycle lane, pedestrian structures, extensive lighting, landscaping and the required road works.
- that upon implementation of the above noted plan no truck traffic should be permitted along this part of Ferguson Avenue
- that a 9 metre sewer easement be registered over a portion of the lands prior to disposal

The subject property has also been identified, in the Feasibility of Consolidation of City of Hamilton, Region of Hamilton-Wentworth Departments at the HSR-Wentworth Facility study which is to be received by Council the end of this month, as one of several Public Work Yards that are proposed to have their entire operation relocated to the Wentworth Street North HSR Facility. It has been estimated that the relocation from the subject property of the yard would take approximately 18 months.

By-law 95-049 requires all City owned lands not exempt by Ontario Regulation 815/94 to be declared surplus prior to any sale.

Should the subject lands be declared surplus to the requirements of the City in this report, they will be listed and signed for sale through the MLS system of HBAREB.

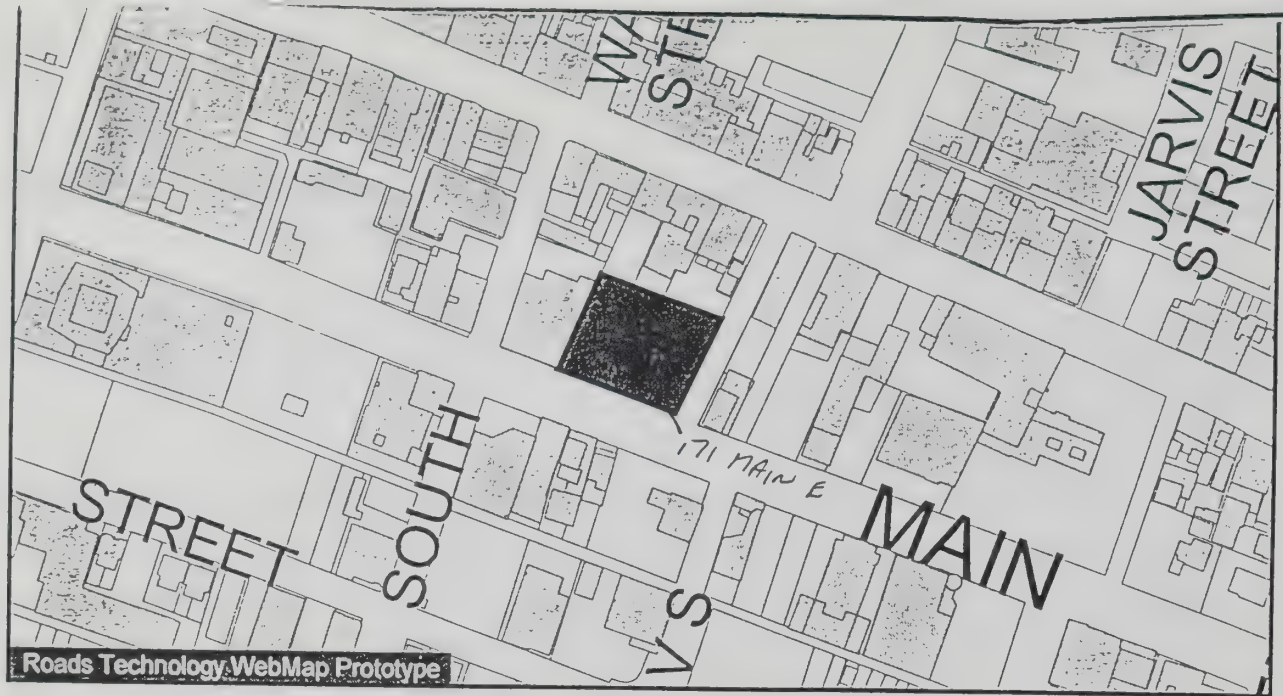
KN

**SUBJECT:** Declaration of Surplus Property – 344 Ferguson Ave. North  
(CS99022)

Page 3

c.c. Mayor Morrow  
Alderman A. Horwath, Alderman Ward 2  
Alderman R. Corsini, Alderman Ward 2  
D. A. Lychak, City Manager  
Lee Ann Coveyduck, General Manager, Community Planning and Development Division  
R.C. Roszell, Corporate Counsel, Legal Services Section  
Attention: H. Vastis  
K. M. Lau, Manager of Surveys, Roads Division  
C. Guthro, Acting Commissioner, Public Works and Traffic





## Location Plan

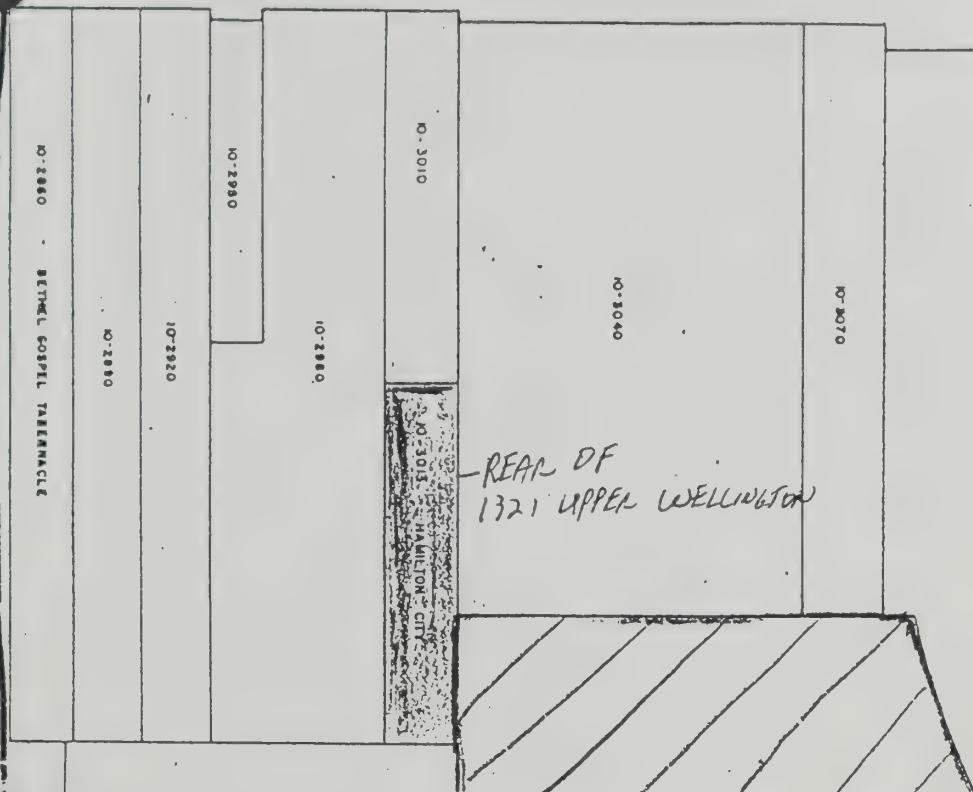
Prepared by The City of Hamilton Department of Public Works and Traffic



## Key Map

Prepared by The City of Hamilton Department of Public Works and Traffic

# UPPER WELLINGTON STREET

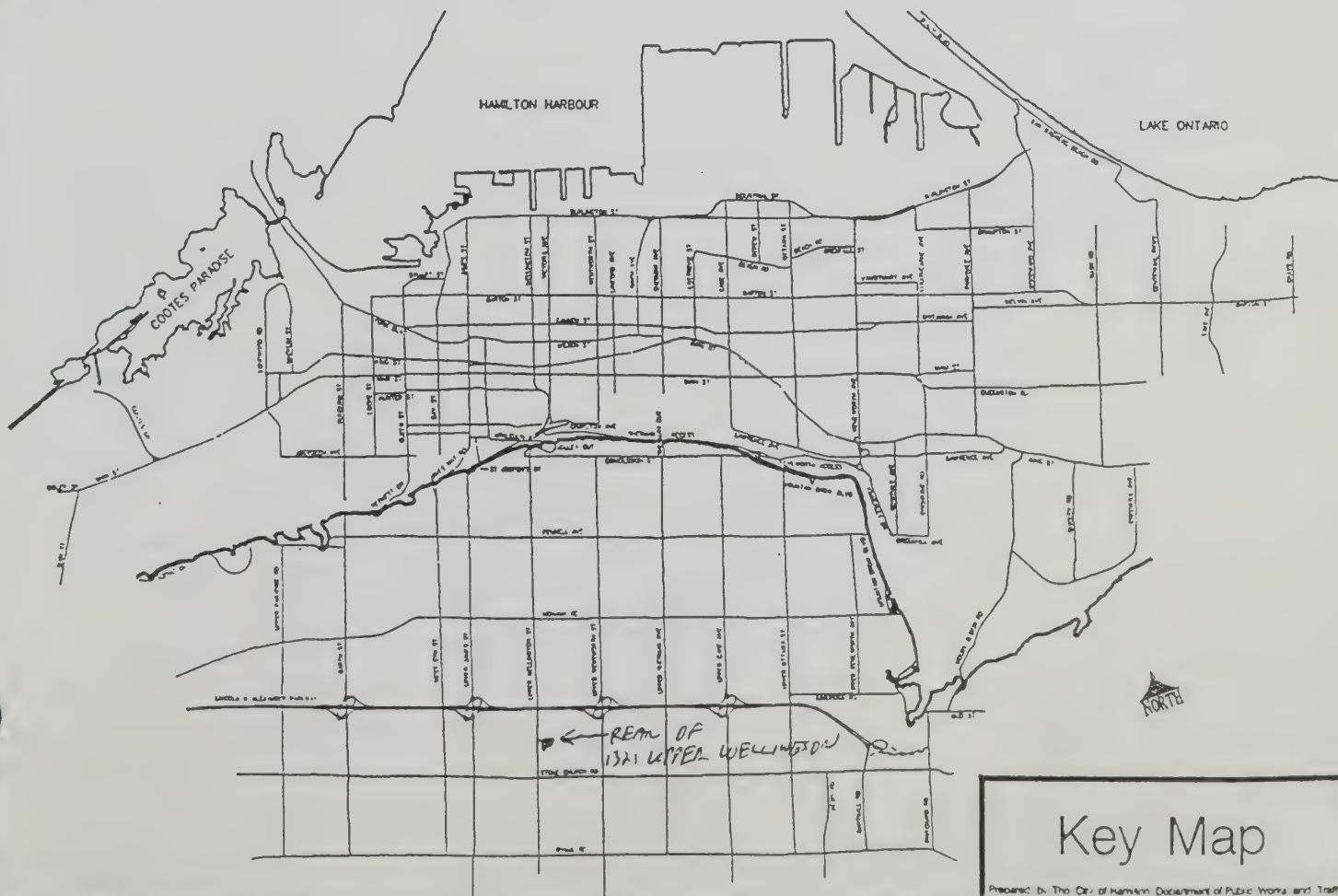


## Location Plan

Prepared by The City of Hamilton Department of Public Works and Traffic

# HAMILTON HARBOUR

# LAKE ONTARIO



## Key Map

Prepared by The City of Hamilton Department of Public Works and Traffic





CAY ON HBL 705  
CSIPY  
1999

**URBAN  
MUNICIPAL**



Urban Municipal Collection  
2nd Floor  
Hamilton Public Library

**NOTICE OF MEETING**

**URBAN MUNICIPAL**

**PLANNING AND DEVELOPMENT COMMITTEE**

**NOV 25 1999**

Wednesday, November 24, 1999  
9:30 o'clock a.m.  
Room 233, City Hall

**GOVERNMENT DOCUMENTS**

*T. Agnello*

Tina Agnello, Secretary  
Planning and Development Committee

**AGENDA**

**PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

1. Subdivision Application 99-03 (Chapple East Estates) and Zoning Application 99-34, by Fenestra Investments Limited (c/o L. Szpirglas), owner, for lands located south of Rymal Road East and east of the Ontario Hydro corridor (PDC99125).

**2. REFERRAL BACK FROM COUNCIL AND DELEGATION**

- (a) 304 Kenilworth Avenue North – Demolition (PDC99113)
- (b) 308 Kenilworth Avenue North – Demolition (PDC99114)

Owners: Maggie and Ronald Taillon

**3. CONSENT AGENDA**



4. **GENERAL MANAGER, PLANNING & DEVELOPMENT DIVISION**

- (a) Master Drainage Plan for the Beach Strip – Results of the Final Report (Third report)
- (b) The Condominium Act, 1998 – Highlights of the Key Features (PDC99127) (Information Report)
- (c) Spallacci, King Street East Property- Verbal Update

5. **CORPORATE COUNSEL**

Extension of Interim Control Bylaw for one year – Windemere Basin (to follow)

6. **OTHER BUSINESS**

Positions Vacated by Early Retirement Incentives

7. **ADJOURNMENT**





## PLANNING AND DEVELOPMENT COMMITTEE OUTSTANDING LIST

| No  | Item  | Original Date     | Action  | Status                     |
|-----|---|-------------------|---|----------------------------|
| 1.  | Hamilton Harbour Land Use   | 1997 February 19  | Staff report on site plan control procedures and incineration as a use on Harbour Lands | Report forthcoming         |
| 2.  | Boulevard Policy for New Subdivisions   | 1997 July 2       | Staff directed to prepare report  | Report forthcoming         |
| 3   | Licensing of New Hazardous Waste Sites  | 1997 August 20    | Referred to Planning and Law Department Staff for report                                | Pending                    |
| 4a. | Radial Separation for residential and short term Facilities                                     | 1998 December 2   | Staff to prepare report   | Report Pending             |
| 4b. | Detention centre as use in H district   | 1998 December 2   | Staff to prepare report   | Report pending             |
| 4c. | Referral from Committee of the Whole- Increase in Beds or Services at 94 York Blvd.             | February 17, 1999 | Tabled pending staff report   | Report Forthcoming         |
| 5.  | Request for Parkland Credit-Starward Homes and development of Policy regarding Stormwater Ponds | 1998 December 2   | Staff to prepare a report   | Report Pending             |
| 6.  | Review of Derelict Buildings  | Aug 11, 1999      | Staff to prepare a report   | Report Forthcoming         |
| 7.  | ZAC-99-20, 1359 Upper James Street  | Aug 11, 1999      | Tabled  | To come back Sept 22, 1999 |
| 8.  | East Mountain Industrial Business Park Neighbourhood Plan                                       | Aug 11, 1999      | Tabled in order to resolve concerns   | Tabled                     |
| 9.  | Spallacci Property King Street East   | October 6, 1999   | Direction to staff to enter into discussions with owner to demolish the building        | Report Pending             |
| 10. | Imperial Building 75 Hughson St. S. Demolition for Open Space                                   | October 20, 1999  | Tabled  | Tabled                     |
| 11. | CI-98-D Master Drainage Plan for Beachstrip   | November 3, 1999  | Tabled for additional input   | Tabled                     |

**November 17, 1999**



1.

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** 1999 November 11  
SAC-99-03 and ZAC-99-34  
Chappel East Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Request for approval of a draft plan of subdivision "Chappel East Estates" and a change in zoning for lands located south of Rymal Road East and east of the Ontario Hydro corridor (PDC99125)

**RECOMMENDATION:**

- A. That approval be given to Subdivision Application 99-03, (Regional File No. 25T-99008), Fenestra Investments Limited (c/o L. Szpirglas), owner to establish a draft plan of subdivision "Chappel East Estates", on lands located south of Rymal Road East and east of the Ontario Hydro corridor in the Chappel East Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- (i) That this approval apply to the plan prepared by A.J. Clarke and Associates Ltd. and certified by B.J. Clarke, O.L.S., dated August 18, 1999, showing 45 lots for single detached dwellings, 1 block for road widening purposes, 4 blocks being 0.30 m reserves, and three streets, attached as Appendix "B";
  - (ii) That the owner prepare and submit, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, a municipal street numbering plan;
  - (iii) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;
  - (iv) That the final plan conform with the Zoning By-law approved under the Planning Act;
  - (v) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;

- (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
- (vii) That the Owner agree to include the following warning clause to be registered on title of Lots 1 – 6, inclusive, and Lot 45 within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director, Land Development Department, Community Planning and Development Division and the Corporate Counsel:

*"Purchasers are advised that noise levels originating from Rymal Road East may become of concern, occasionally interfering with some activities of the occupant."*

- (viii) That the applicant/owner dedicate Block 46 on the submitted draft plan, which is shown as a 3.05 metre road widening to the Region of Hamilton-Wentworth by Certificate on the Final Plan for road widening purposes;
- (ix) That the 0.30 metre reserves, shown as Blocks 47 and 48 on the submitted draft plan be established and dedicated to the Region of Hamilton-Wentworth by deed;
- (x) That the 0.30 metre reserves, shown as Blocks 49 and 50 on the submitted draft plan be established and dedicated to the City of Hamilton by deed;
- (xi) That the owner satisfy all requirements, financial and otherwise of the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands to the satisfaction of the General Manager, Community Planning and Development Division;
- (xi) That the owner enter into a Subdivision Agreement with the City of Hamilton and the Regional Municipality of Hamilton-Wentworth to the satisfaction of the General Manager, Community Planning and Development Division;
- (xii) That no portion of these lands is allowed to develop before the construction of storm and sanitary sewers to service these lands directly;
- (xiii) That the owner dedicate 2.0 metre x 2.0 metre daylight triangles at all "L" shaped streets;
- (xiv) That the "eye-brow" transitions along the street line adjacent to Lots 31, 35 and 36 be revised to 9.0 metre radius to the satisfaction of the Manager, Development Engineering Section, Community Planning and Development Division;



- (xv) That prior to final registration of the plan of subdivision, or any construction or grading on the subject property, the proponent shall submit the following plans or reports to the General Manager, Community Planning and Development Division:
1. plans that show existing and proposed site grades and drainage;
  2. detailed stormwater management plans which show how stormwater will be conveyed from the site and conducted to a receiving waterbody. Such plans shall address water quality issues in accordance with recognized best management practices (BMPs) and the "Stormwater Management Practices Planning and Design Manual", MOEE, June 1994; and,
  3. erosion and siltation control plans, which show how exposed soils, sediments and eroded materials, will be retained on site during all phases of construction. Plans should include maintenance requirements for all employed devices;
- (xvi) That the owner shall agree in the executed subdivision agreement with the City, in wording acceptable to the General Manager, Community Planning and Development Division:
1. to carry out or cause to be carried out the works identified in the grading plans, stormwater management plans and erosion and siltation control plans, to the satisfaction of the General Manager, Community Planning and Development Division; and,
  2. to maintain all stormwater management and erosion and sedimentation control structures in good repair and operating order during the construction period, in a manner satisfactory to the General Manager, Community Planning and Development Division;
- (xvii) That the owner dedicate sufficient lands to the City of Hamilton for Park purposes under the first phase of development with suitable access by Public Highway to the satisfaction of the General Manager, Community Planning and Development Division;
- (xviii) That the owner dedicate sufficient lands to the City for the installation of a temporary turning circle at the south limit of Street "C" and that provisions be made under the City subdivision agreement for security to provide for the removal of the temporary turning circle when required;

- (xix) That the owner provide confirmation from Ontario Hydro that the location of the extension of Street B westerly through their Corridor is to their satisfaction and that the clearances from the overhead wires, Hydro Towers, Hydro Poles and lines and the proposed road are to their satisfaction. The location of all Hydro Towers, Poles and Pole Lines must be clearly shown on the engineering drawings submitted for approval to the satisfaction of the Manager, Development Engineering Section, Land Development Department;
  - (xx) That the owner agree in writing that access to Lots 1 and 45 are to be located outside of the daylight triangle at the intersection of Street B and Rymal Road to the satisfaction of the Manager, Development Engineering Section, Community Planning and Development Division;
  - (xxi) That any phasing of this development and any temporary works required to accommodate the same, be to the satisfaction of the Manager, Development Engineering Section, Community Planning and Development Division;
  - (xxii) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the Region of Hamilton-Wentworth and the City of Hamilton.
- B. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAC-99-03/25T-99008), "Chappel East Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met.
- C. That the City Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division of Council's decision.
- D. That approval be given to **amended Zoning Application ZAC-99-34, Fenestra Investments Limited (c/o L. Szpirglas), owner**, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and "C" (Urban Protected Residential, etc.) District, modified (Block 2) to permit the use of the subject lands for single detached residential uses, for lands located south of Rymal Road East and east of the Ontario Hydro corridor in the Chappel East Neighbourhood, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That Blocks "1" and "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;



- (ii) That the "C" (Urban Protected Residential, etc.) District regulations, contained in Section 9. of Zoning By-law No. 6593, applicable to Block "2" be modified to include the following variance as a special requirement:
  - 1. That notwithstanding Section 9.(4) of Zoning By-law No. 6593, every lot shall have a width of at least 11.4 metres, and an area of at least 340.0 square metres within the district;
- (iii) That the By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27E, be enacted by City Council;
- (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map E-27E be notated as S - ;
- (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (vi) That upon finalization of the implementing Zoning By-law, the approved Chappel East Neighbourhood Plan be amended to revise the street plan as per the proposed plan of subdivision "Chappel East Estates" and to delete the 12 m (40 ft) water and sewer easement and walkway.

#### **EXPLANATORY NOTE:**

The purpose of the proposed by-law is to provide for changes in zoning for lands located south of Rymal Road East and east of the Ontario Hydro corridor in the Chappel East Neighbourhood, as shown on the attached map marked as Appendix "A" on the following basis:

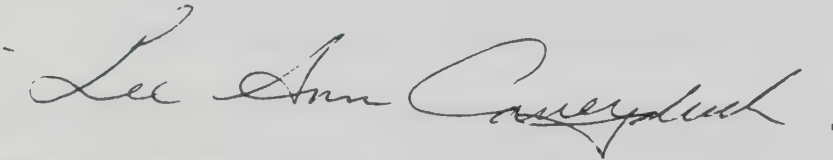
Block "1" - from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District; and,

Block "2" - from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District, modified.

In addition, the by-law provides for the following variances applicable to Block "2":

- (i) A minimum lot width of 11.4 metres shall be provided and maintained whereas the provisions of the Zoning By-law require a minimum lot width of 12.0 metres; and,
- (ii) A minimum lot area of 340.0 square metres shall be provided and maintained whereas the provisions of the Zoning By-law require a minimum lot area of 360.0 square metres

The effect of the proposed changes in zoning is to permit the development of the subject lands for 45 lots for single detached dwellings in accordance with the proposed plan of subdivision "Chappel East Estates" (Regional File No. 25T-99008).



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for draft approval of a plan of subdivision and a Zoning By-law amendment.

**BACKGROUND:**

Proposal

The application is for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential) District (Blocks "1" and "2") to permit the use of the subject lands for 45 single family dwellings to be developed in accordance with the proposed plan of subdivision "Chappel East Estates" (see APPENDIX "B").

The rezoning application was amended to clarify that due to servicing constraints, the additional lands owned by the applicant that are not part of the subdivision are not part of the lands proposed to be rezoned to "AA" District to "C" District.

In addition, the applicant has requested variances to the lot frontage and lot area requirements, applicable to Block "2" only:

- (i) A minimum lot width of 11.4 metres shall be provided and maintained whereas the provisions of the Zoning By-law require a minimum lot width of 12.0 metres; and,
- (ii) A minimum lot area of 340.0 square metres shall be provided and maintained whereas the provisions of the Zoning By-law require a minimum lot area of 360.0 square metres

Applicant:

Fenestra Investments Limited (c/o L. Szpirglas), owner.



Agent:

A. Fletcher, A.J. Clarke & Associates Limited.

Surveyor:

B.J. Clarke, O.L.S.

**LOT SIZE AND AREA:**

The subject lands are rectangular in shape and have:

- a frontage of 144.25 m along Rymal Road East;
- a depth of 199.8 m; and,
- a lot area of 2.76 ha (6.83 acres).

**LAND USE AND ZONING:**

|                             | Existing Land Use  | Existing Zoning                              |
|-----------------------------|--|--|
| <u>Subject Lands</u>        | Vacant lands   | "AA" (Agricultural) District                 |
| <u>Surrounding Land Use</u> |  |  |
| to the north                | Townhouses   | "RT-20" (Townhouse –<br>Maisonette) District |
| to the south                | Vacant lands   | "AA" (Agricultural) District                 |
| To the west                 | Single detached dwellings,<br>vacant lands and Ontario<br>Hydro Corridor | "AA" (Agricultural) District                 |
| To the east                 | Single detached dwellings<br>and vacant lands                            | "AA" (Agricultural) District                 |

**OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "Single and Double " Residential in the approved Chappel East Neighbourhood Plan. The proposed plan of subdivision revises the road pattern in that a roadway connection to Rymal Road East is provided and the sewer easement/pedestrian walkway is eliminated. As such, approval of the application will require a neighbourhood plan amendment to revise the road pattern and eliminate the sewer easement/walkway.

### **COMMENTS RECEIVED:**

- The Traffic Division, Department of Public Works and Traffic has advised of the following:  
  
"Please be advised that we have reviewed the above application and find it satisfactory."
- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.
- The Building Department, Community Planning and Development Division advised of the following:
  - "1. Lots 1 – 14 and 23 –45 inclusive appear to meet the requirements of the proposed "C" District, and Lots 15 –22 inclusive do not meet "C" District requirements but appear to meet those of an "R-4" District. No schedule of lot area and frontage data has been provided.
  2. Block 46 must be incorporated into the Rymal Road East Road road allowance so as to permit access from the proposed lots to a public highway."
- The Development Planning Section, Land Development Department have advised of the following:
  - "1. The Owner agree to register on title the following noise warning clause for Lots 1 to 6 and Lot 45 of the proposed development:  
  
*"Purchasers are advised that noise levels originating from Stone Church Road may become of concern, occasionally interfering with some of the activities of the occupant."*

- The Development Engineering Section, Land Development Department have advised of the following:

**“Recommendations:**

1. That the owner satisfy all requirements, financial and otherwise of the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands to the satisfaction of the General Manager of Community Planning and Development Division.
2. That the owner enter into a Subdivision Agreement with the City of Hamilton and the Regional Municipality of Hamilton-Wentworth to the satisfaction of the General Manager of Community Planning and Development Division.
3. That no portion of these lands is allowed to develop before the construction of storm and sanitary sewers to service these lands directly.
4. That the owner dedicate sufficient road widenings to the Region along Rymal Road East, adjacent to Lots 1 to 6, inclusive and Lot 45.
5. That the owner dedicate 0.30 metre reserves along Rymal Road East along the north property line of Lots 1 to 6, inclusive and Lot 45 in order to meet the requirements of the Zoning By-law for Lots 1 to 6, inclusive and to restrict access to Street "B" for Lot 45.
6. That the owner dedicate 2.0 metre x 2.0 metre daylight triangle at all "L" shaped streets.
7. That the "eye-brow" transitions along the street line adjacent to lot adjacent to Lot 31 and Lots 35 and 36 are 9.0 metre radius.
8. That prior to final registration of the plan of subdivision, or any construction or grading on the subject property, the proponent shall submit the following plans or reports to the General Manager of Community Planning and Development Division:
  - i) plans that show existing and proposed site grades and drainage;
  - ii) detailed stormwater management plans which show how stormwater will be conveyed from the site and conducted to a receiving waterbody. Such plans shall address water quality issues in accordance with recognized best management practices (BMPs) and the "Stormwater Management Practices Planning and Design



Manual", MOEE, June 1994; and,

- iii) erosion and siltation control plans, which show how exposed soils, sediments and eroded materials, will be retained on site during all phases of construction. Plans should include maintenance requirements for all employed devices.
- 9. That the owner shall agree in the executed subdivision agreement with the City, in wording acceptable to the General Manager of Community Planning and Development Division:
  - i) to carry out or cause to be carried out the works referred in condition 9 above, to the satisfaction of the General Manager of Community Planning and Development Division; and,
  - ii) to maintain all stormwater management and erosion and sedimentation control structures in good repair and operating order during the construction period, in a manner satisfactory to the General Manager of Community Planning and Development Division.
- 10. That the owner dedicate sufficient lands to the City of Hamilton for Park purposes under the first phase of development with suitable access by Public Highway to the satisfaction of the General Manager of Community Planning and Development Division.
- 11. That the owner dedicate sufficient lands to the City for the installation of a temporary turning circle at the south limit of the Street "C" and that provisions be made under the City subdivision agreement for security to provided for the removal of the temporary turning circle when required.

**Information:**

- 1. There is a municipal watermain on Rymal Road East to service this development directly.
- 2. There is no sanitary sewer or storm sewer to service this development directly.
- 3. There will be no Municipal share of services to be installed within this development.
- 4. "Rounding" at "T" intersections are not required.



5. The daylight triangles for Lots 1 and 45 are not required for Street "B" adjacent to Rymal Road East.
6. The Region will require road widening as well as 0.30 metre reserves along Rymal Road East in connection with this development."

- The Roads Department, Transportation, Operations and Environment Division has advised of the following:

"We have reviewed the above application, the subdivision plan dated August 18, 1999 and submit the following comments:

1. The designated road allowance width of Rymal Road is 36.58m. In accordance with this designation, we require as a condition of draft plan approval that the 3.048m road allowance widening shown as Block 46 be dedicated to the Region for road widening purposes on the final plan.
2. The .30m reserves shown as Block 47 and 48, adjacent to Rymal Road, are to be dedicated to the Region. This is required to prevent the creation of through lots and direct access to Rymal Road from Lots 1 to 6 inclusive and Lot 45.
3. Access to Lots 1 and 45 are to be located outside of the daylight triangle at the intersection of Street B and Rymal Road.
4. Although not shown, we require minimum 9m radius transitions into the bulb adjacent to Lots 31 to 36 inclusive.
5. We require confirmation from Ontario Hydro that the location of the extension of Street B westerly through their Corridor is to their satisfaction and that the clearances from the overhead wires, Hydro Towers, Hydro Poles and lines and the proposed road are to their satisfaction.
6. The proposed street layout, as shown on the additional lands of the applicant, must align centreline to centreline with the approved streets as shown on Shermal Estates approved draft plan of subdivision. This alignment is critical since it will affect the lot yield should the locations shown be incorrect.
7. The proposed plan of subdivision does not conform to the approved Chappel East Neighbourhood Plan. We recommend that the neighbourhood plan amendments be considered by the appropriate Committee and Council in conjunction with this draft plan of subdivision review.

8. It is unclear from this draft plan of subdivision plan whether or not all the Hydro Towers have been shown. The location of all Hydro Towers, Poles and Pole Lines must be clearly shown on the plan."

#### COMMENTS:

1. The proposal complies with the general intent of the Official Plan and the "Single and Double" Residential designation on the Chappel East Neighbourhood Plan.

Approval of the application will require that the Chappel East Neighbourhood Plan be amended to revise the road pattern and eliminate the sewer easement/pedestrian walkway.

2. The proposal has merit and can be supported for the following reasons:
  - i) it implements the intent of the Official Plan;
  - ii) it is consistent with planned development in accordance with the Chappel East Neighbourhood Plan; and,
  - iii) it would be compatible with the abutting and future planned residential uses.
3. The application is for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential) District (Blocks "1" and "2") to permit the use of the subject lands for 45 single family dwellings to be developed in accordance with the proposed plan of subdivision "Chappel East Estates" (see APPENDIX "B").
4. The applicant has requested variances to the minimum lot area and lot frontage requirements of the "C" District applicable to Block "2" (i.e. Lots 15 – 22 on the proposed draft plan of subdivision). Specifically, the applicant has requested a minimum lot width of 11.4 m and minimum lot area of 340.0 m<sup>2</sup> instead of the "C" District requirements of a lot width of 12.0 m and lot area of 360.0 m<sup>2</sup>.

The requested variances to the "C" District can be supported in that Block "2" is bounded by the Ontario Hydro corridor to the west and the proposed Street "B" to the east. In order to develop the subject lands in accordance with the "C" District, Lots 15 – 21 would have to be increased in width to 12.0 m which would result in the creation of a residual block of land being 7.5 m wide. The development of the residential parcel of land would require the applicant to obtain a parcel of land, being a minimum of 4.5 m in width from Ontario Hydro to create a building lot which may or may not be implementable.

It is noted that the proposed lots widths for the 7 lots in Block "2" are 11.4 m in width. The size of the lots in the proposed subdivision range from 11.4 m to 13.1 m. Therefore, the proposed plan of subdivision provides for a range of lot widths

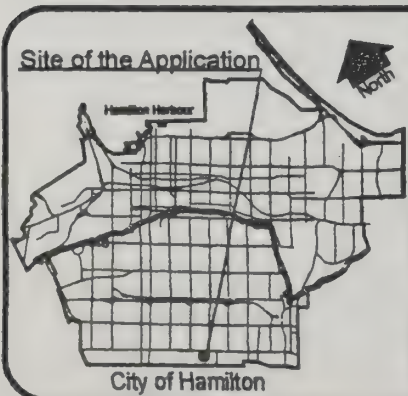
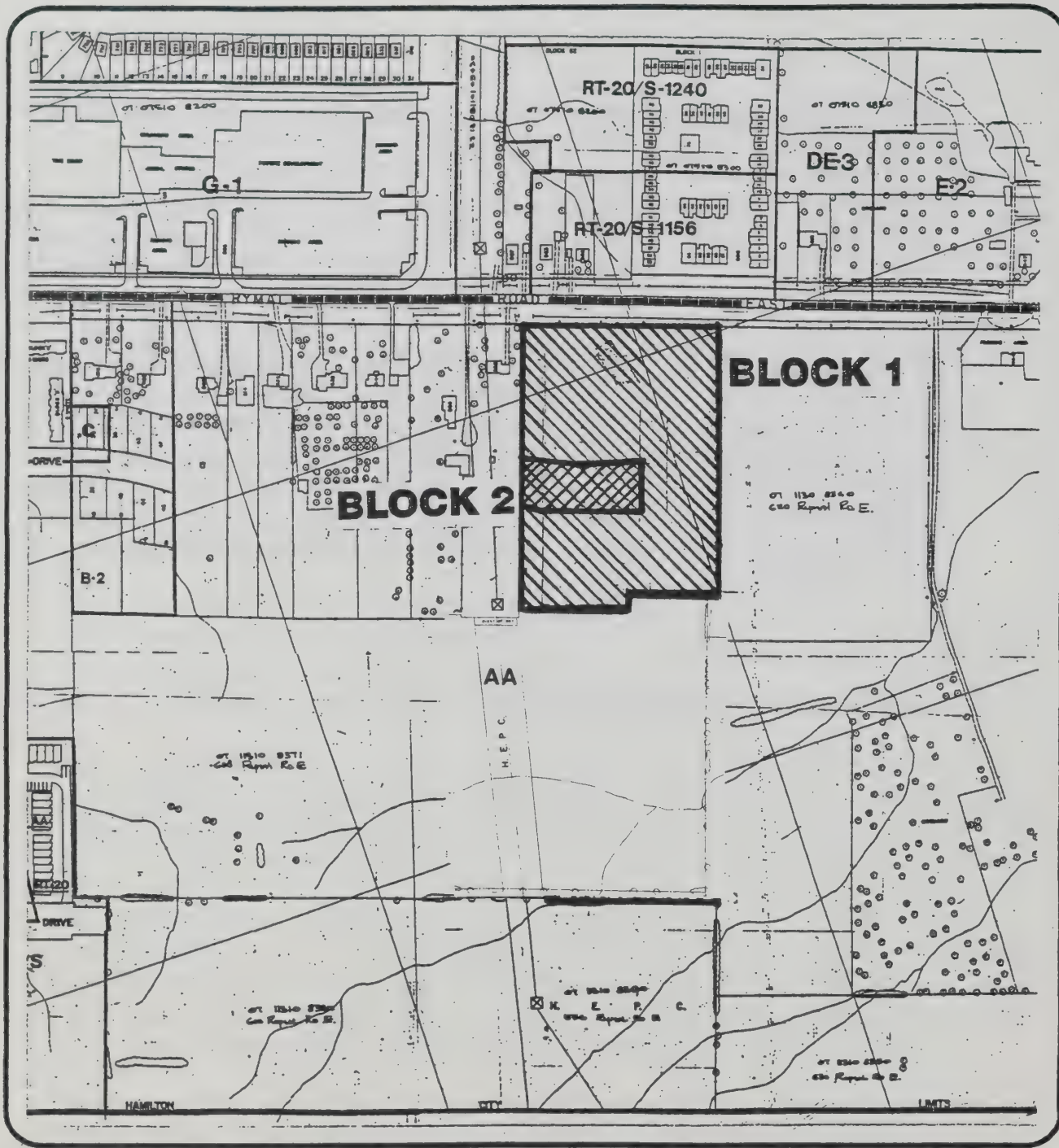
and that the proposed variances for Block "2" will be compatible with the abutting "C" District lots.

5. The applicant is proposing to rezone the subject lands to "C" District. As a condition of draft plan approval, the proponent will be required to submit a surveyor's certificate showing lot width and lot area demonstrating conformity with the applicable provisions of the City of Hamilton Zoning By-law.
6. The approved Chappel East Neighbourhood Plan designates a site for park and recreational uses in the southlery portion of the applicant's adjoining lands. As such, as a condition of approval the applicant will be required to dedicate these lands for parkland purposes. However, because the lands to be dedicated exceeds the 5% parkland dedication requirements, the applicant will be assigned a parkland dedication credit towards the development of additional lands owned by the applicant to the west of the subject lands which will be developed under a separate rezoning and subdivision application.

**CONCLUSION:**

Based on the foregoing, the application can be supported.





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend

Change in Zoning from:

**BLK 1**



"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District

**BLK 2**



"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, Modified

Reference file:

**ZAC-99-34**

Scale

**Not to Scale**

Date

**Sept., 1999**

Technician:

**B. B.**

**APPENDIX 'A'**







# Office of the Municipal Clerk

## Memorandum

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2.

**TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** J. J. Schatz  
Municipal Clerk  
Office of the Municipal Clerk

**PHONE:** (905) 546-2727

**DATE:** November 10, 1999

**SUBJECT:** Council Referral – Demolition Permits for 304 and 308 Kenilworth Avenue North (PDC99113) (PDC99114)

Please be advised that City Council at its meeting held November 9, 1999, referred Sections 2 and 3 of the TWENTY-FIRST Report of the Planning and Development Committee for 1999 as follows, to the Planning and Development Committee in order that the owners of these properties be allowed to address the Committee:

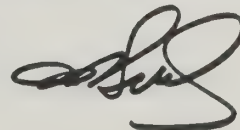
**2. 304 Kenilworth Ave N – demolition (PDC99113)**


That the Building Commissioner be authorized to issue a demolition permit for 304 Kenilworth Avenue North in accordance with By-law #74-290 pursuant to Section 33 of The Planning Act, as amended.

**3. 308 Kenilworth Ave N – demolition (PDC99114)**

That the Building Commissioner be authorized to issue a demolition permit for 308 Kenilworth Avenue North in accordance with By-law #74-290 pursuant to Section 33 of The Planning Act, as amended.

Would you please present this matter to the Planning and Development Committee for its consideration.



 cc L. Coveyduck, General Manager, Community Planning and Development Division





2a)

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** 1999 November 16

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
304 KENILWORTH AVENUE NORTH - Tag Number 99-137838  
(99.1.1.A) [PDC99113(A)]

**RECOMMENDATION:**



- a) That subject to the requirements below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 304 Kenilworth Avenue North in accordance with Demolition Control By-law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,
- b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 304 Kenilworth Avenue North where the applicant has applied for and received the required site plan approval from the Community Planning & Development Division and the site plan agreement has been registered on title.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** H (Map E-63)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Expansion of the Parking Area for the Existing Retail Store

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing one storey single family dwelling and merge these lands with the existing East Hamilton Radio retail store for the purpose of providing additional parking for their customers. This property is located directly north of East Hamilton Radio which is located on the north east corner of Barton Street and Kenilworth Avenue. As of this date, the required site plan application has not been submitted to the Community Planning & Development Division.

This property is located in the Homeside Neighbourhood and is located in Ward 4. No LACAC interest. Lot size 37.5' x 52.0'.

The owner of the property as per the demolition permit is:

East Hamilton Radio  
1325 Barton Street East  
Hamilton, Ontario L8H 2W2

FP/zr

2 b)

## CITY OF HAMILTON

### - RECOMMENDATION -

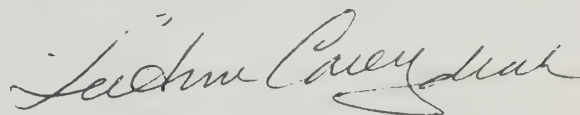
**DATE:** 1999 November 16

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
308 KENILWORTH AVENUE NORTH - Tag Number 99-137840  
(99.1.1.A) [PDC99114(A)]

**RECOMMENDATION:**



- a) That subject to the requirements below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 308 Kenilworth Avenue North in accordance with Demolition Control By-law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,
- b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 308 Kenilworth Avenue North where the applicant has applied for and received the required site plan approval from the Community Planning & Development Division and the site plan agreement has been registered on title.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** H (Map E-63)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Expansion of the Parking Area for the Existing Retail Store

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing one storey single family dwelling and merge these lands with the existing East Hamilton Radio retail store for the purpose of providing additional parking for their customers. This property is located directly north of East Hamilton Radio which is located on the north east corner of Barton Street and Kenilworth Avenue. As of this date, the required site plan application has not been submitted to the Community Planning & Development Division.

This property is located in the Homeside Neighbourhood and is located in Ward 4. No LACAC interest. Lot size 37.5' x 52.0'.

The owner of the property as per the demolition permit is:

East Hamilton Radio  
1325 Barton Street East  
Hamilton, Ontario L8H 2W2

FP/zr



# CITY OF HAMILTON

## - RECOMMENDATION -

DATE: 1999 November 17  
(CI 98-D)

REPORT TO: Tina Agnello, Secretary  
Planning and Development Committee

FROM: Ms. Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

SUBJECT: Master Drainage Plan for the Beach Strip - Results of the Final  
Report (third report)(PDC99055B)

### RECOMMENDATIONS:

- A) That approval be given to **City Initiative 98-D**, for a modification and a further modification in zoning to Zoning By-law No. 6593, for the properties east (lake side) and west (bay side) of Beach Boulevard, in the Beach Neighbourhood, to modify the side and rear yard setbacks for new buildings and accessory buildings or structures, in the "C" (Urban Protected Residential) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District, as shown on the attached maps marked as APPENDICES "A", "B", "C", and "D" on the following basis:
- a) That By-law No. 98-281 which amended Zoning By-law No. 6953 and By-law No. 98-282 which established site plan control for the west (bay) side of Beach Boulevard, be repealed in their entirety.
  - b) That the "C" (Urban Protected Residential) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Sections 9, 13 and 14 respectively, of Zoning By-law No. 6593, applicable to the lands east (lake side) and west (bay side) of Beach Boulevard, as shown on the attached maps marked as APPENDICES "A", "B", and "C", be modified to include the following variance as a special requirement:
    - i) That all buildings and structures, including accessory buildings, shall provide a side yard along each side lot line of a width of at least 1.7 m;
    - ii) Notwithstanding clause i), a side yard may be reduced to a width of at least 1.5m, only where a common swale between the adjoining properties has been approved under a Lot Grading Agreement or approved under a Site Plan Control Agreement;

- c) That the "C" (Urban Protected Residential) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Sections 9, 13 and 14 respectively, of Zoning By-law No. 6593, applicable to the lands west (bay side) of Beach Boulevard, as shown on the attached maps marked as APPENDICES "A", "B", and "C", be modified to include the following variances as special requirements:
- i) that the minimum ground floor elevation of any building or any building addition shall be 76.0 m above mean sea level, as defined by the Geodetic Survey Datum except for any building addition less than 14 m<sup>2</sup> in area and any accessory building or structure; and,
  - ii) that no basement or cellar shall be permitted for any building; and,
  - iii) that any addition, less than 14 m<sup>2</sup> in area, shall have a minimum floor elevation at or above the existing ground floor elevation of the building; and,
  - iv) that prior to the issuance of a building permit for every new building, a Lot Grading Agreement with the City of Hamilton shall be entered into and registered on title to the satisfaction of the Building Department's Director,, except for developments that require Site Plan Approval under By-law 79-275, as amended.
- d) That the "C" (Urban Protected Residential) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands shown as Blocks "1", "2", "3" and "4" on APPENDIX "D", be modified to include the following variance as a special requirement:
- i) No building or structure, except fences shall be located within 4.5 metres of the rear lot line:
    - 1) every fence, excluding the supporting posts must be at least 0.075m from the ground to the bottom of the fence, so as not to obstruct the flow of water.
- e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-, and that the subject lands on Zoning District Maps E-80b, E-80c, E-80d, E-80e, E-80f and E-80g be notated S-;
- f) That the Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-80b, E-80c, E-80d, E-80e, E-80f and E-80g for presentation to City Council;
- g) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

- B) That Site Plan Control By-law 79-275, as amended by By-Law 87-223, be further amended by adding the lands located on the east (lake side) and west (bay side) sides of Beach Boulevard, as shown on the attached maps marked as APPENDICES "A", "B" and "C".

### EXPLANATORY NOTE:

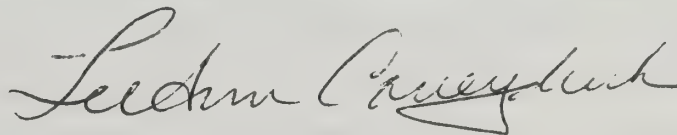
The purpose of the by-law is to provide for modifications in zoning for lands east (lake side) and west (bay side) of Beach Boulevard within the City, as shown on the attached maps marked as APPENDICES "A", "B", "C" and "D". The proposed modifications will affect the following zoning districts:

- "C" (Urban Protected Residential, etc.) District;
- "G" (Neighbourhood Shopping Centre) District; and,
- "H" (Community Shopping and Commercial, etc.) District

### Lands East (lake side) and West (bay side) of Beach Boulevard

The effect of the modifications is:

1. to increase the side yard setback from 1.2 m (4 ft.) to 1.7 m (5.5 ft.) for all new buildings and structures, including accessory buildings. The side yard setback can be reduced to 1.5m if a common swale is provided between the adjoining pupates through the approval of a lot grading agreement or under site plan control ; and,
2. to prohibit any structure or building, except fences, within the last 4.5 m (15 ft) of the rear yard for the properties highlighted in gray on APPENDIX "D".



### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, City Council shall hold at least one public meeting to consider amendments to the Zoning By-law.

### BACKGROUND:

At its meeting of November 3, 1999, the Planning and Development Committee tabled recommended zoning by-law changes to further evaluate:

1. the use of a dry well instead of swales for lot grading; and,
2. the different planning tools that may be used to implement the 1.7m side yard.



## DRY WELL VERSUS SWALES

Typically, storm drainage systems are composed of two systems; a convenience system (minor system), and an overland flow path (major system).

The minor system is intended to drain the frequent storms and reduce the nuisance that is associated with routine rainfall events. Elements of this system include, lot grading, swales, gutters, catchbasins and storm sewers. Infiltration enhancing methods such as "soak away pits (dry wells)" are important components to this system because, in addition, to providing an environmental benefit, they eliminate the nuisance of standing water.

The major system is intended to convey the more intense and less frequent storms and reduce the threat of property damage. This system relies on overland flow paths to safely convey drainage to an outlet. Elements of this system include swales, road surfaces, ditches and culverts. When this system is called to action, the sewers are usually at their capacity, and the ground is saturated to a point that further infiltration is minimal or non-existent.

A suggestion has been made to utilize dry wells (soak away pits) to drain rear yards, instead of constructing side yard swales for drainage. This concept was considered and rejected in the study process as it does not provide a reliable means of ensuring that the major flows are safely conveyed to a suitable outlet. Because the dry well relies on the capability of the soil to accept water, when the soil is saturated, it does not work.

Several circumstances are likely to occur which create the dry well's inability to accept water:

- High ground water levels are likely to be encountered in periods of high lake levels.
- In the event of an intense storm, water is expected to be safely conveyed however, the ground maybe saturated already not allowing the water to be absorbed.
- Icing on the ground in early spring or fall can prevent infiltration and otherwise harmless storms can become a threat to property.

### Why is a 1.7m side yard required?

As discussed in the second report, the purpose of the increased side yards is to allow for adequate drainage swales on each side of the buildings given the slope of the lots will be only 0.5% as opposed to the City standard of 1.5%. In some cases, where there is an opportunity to provide a common swale between the 2 properties, then the side yard could potentially be reduced to 1.5m

It should be noted that when typical rainfalls occur, the sandy soil allows the rain to absorb relatively quickly; however, in cases where there are severe storms, the volume of rain will



not be able to percolate into the soil. Therefore, the swales are necessary to convey the water to the streets as opposed to the adjacent properties.

APPENDIX "E" contains a cross section of a swale.

In cases where swales are to be provided entirely on the individual lot, the width of the swale should be 1.2 m to accommodate the flow of water. It is common practice that the new lot will be graded higher than the existing one and therefore the remaining 0.5m would ensure matching grades between the existing and proposed development. Accordingly, a minimum 1.7m side yard is required and where a common swale is provided then the side yard may be reduced to 1.5m. **At the very least, the minimum side yard standard for the beach strip is 1.5m**

#### What Existing Planning Tools Could Be Used To Implement The Side Yard Requirement

1. *Allow for the width of the swale to be determined at the Site Plan Control stage.*

With the lands being placed under Site Plan Control, the City has authority to approve the lot grading for the lots on the beach strip. During the Site Plan Control process, the required side yard would be identified and the grading plan would be approved on this basis.

From a practical standpoint this arrangement can be problematic. First, the grading on the beach is significantly different than the rest of the City. Two, there is no way of identifying what the minimum side yard setbacks will be for the development. It is reasonable to expect there will be cases where grading and architectural plans are developed on the basis of the existing Zoning By-law requirements and the existing slope requirements of 1.5%. However, because of the uniqueness of the drainage on the beach strip, the owner finds out the grading plan cannot be approved and the side yard setback has to be increased to provide for the swale. As a result, new architectural plans will be necessary.

2. *Amend the Zoning By-law to require a minimum side yard of between 1.5m and 1.7m*

Staff support amending the Zoning By-law to recognize the necessity for the increased side yards.

As a general principle, the Zoning By-law includes performance standards that could be met by the individual property without the need for the cooperation of abutting properties.

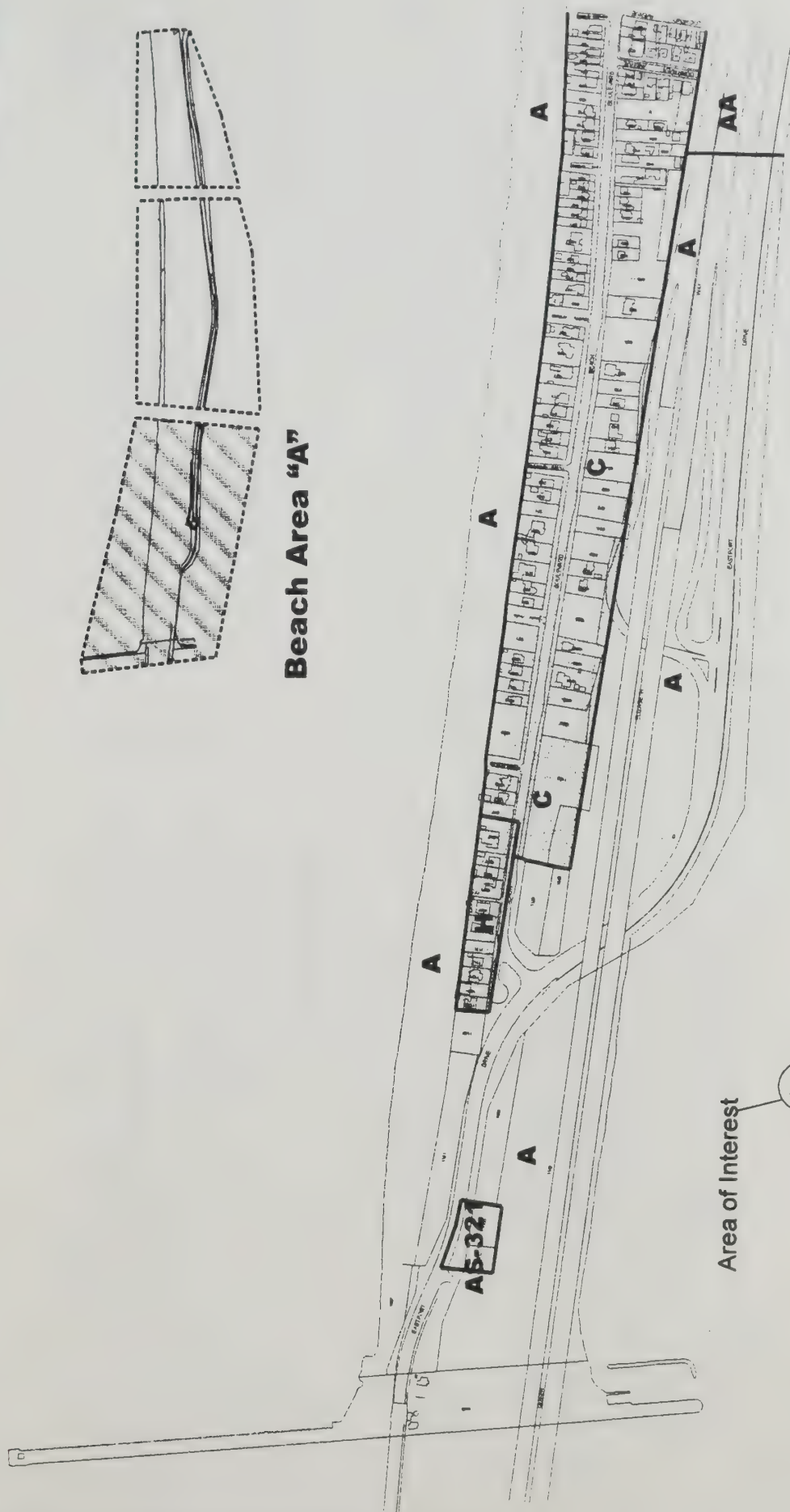
However, in the case of the Beach strip area, there appears to be extenuating circumstances where a degree of flexibility could be written into the zoning by-law amendment to require the standard 1.7m side yard but allow for the reduction in the side yard to 1.5m in cases where a common swale can be provided and maintained between adjoining properties.

The 1.5m side yard will only be permitted when a lot grading agreement or a site plan agreement has been approved by the City.

**CONCLUSION:**

Based on the foregoing, it is recommended the Zoning By-law be modified and the entire Beach strip lands be placed under Site Plan Control which would allow the City to implement the recommendations contained in the *Master Drainage Plan Hamilton Beach*.

## Beach Area "A"



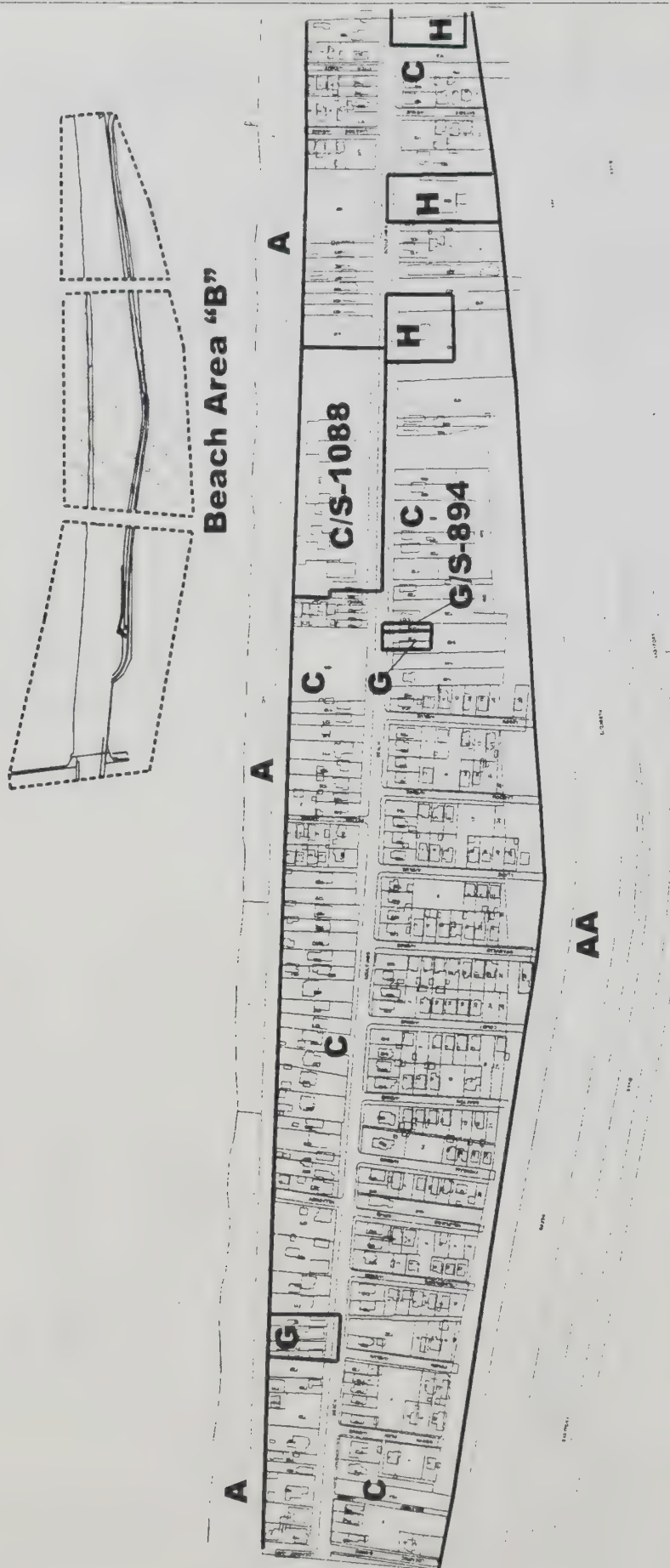
## Area of Interest



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Lands Subject to Zoning By-Law modifications

|                 |
|-----------------|
| Reference file: |
| Q1-98-D         |
| Scale           |
| Not to Scale    |
| Date            |
| September, 1999 |
| Technician      |
| J S             |

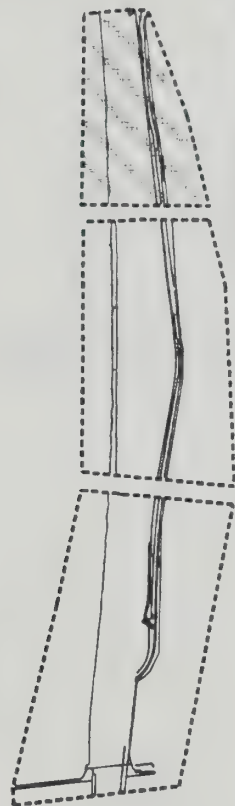


## COMMUNITY PLANNING AND DEVELOPMENT DIVISION

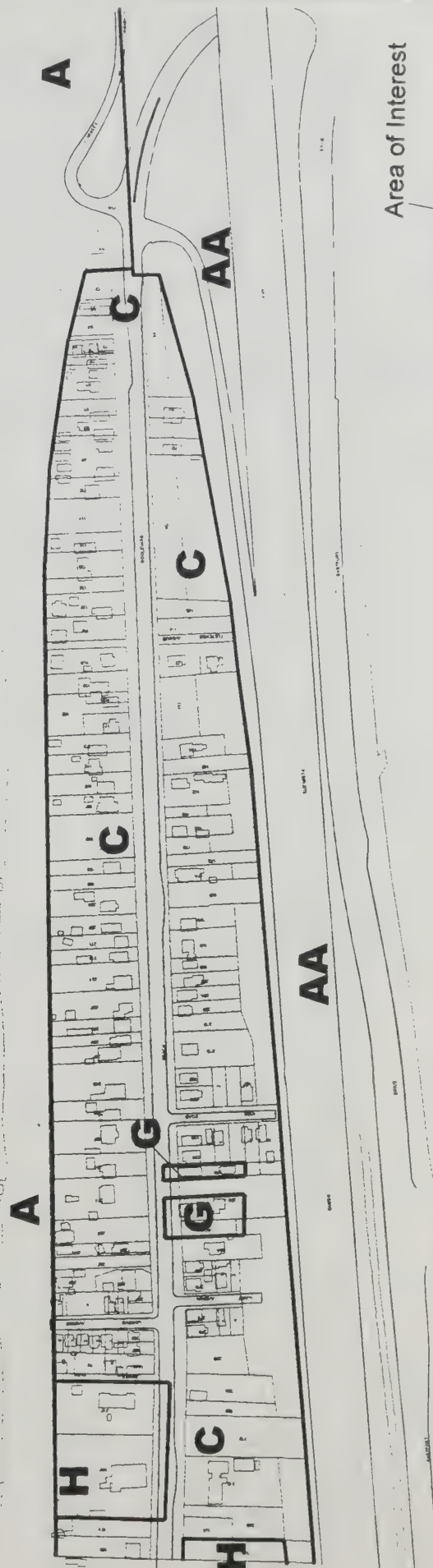
## Lands Subject to Zoning By-Law modifications

|                 |                 |
|-----------------|-----------------|
| Reference file: | CI-98-D         |
| Scale           | Not to Scale    |
| Date            | September, 1999 |
| Technician      | JS              |





Beach Area "C"



Area of Interest

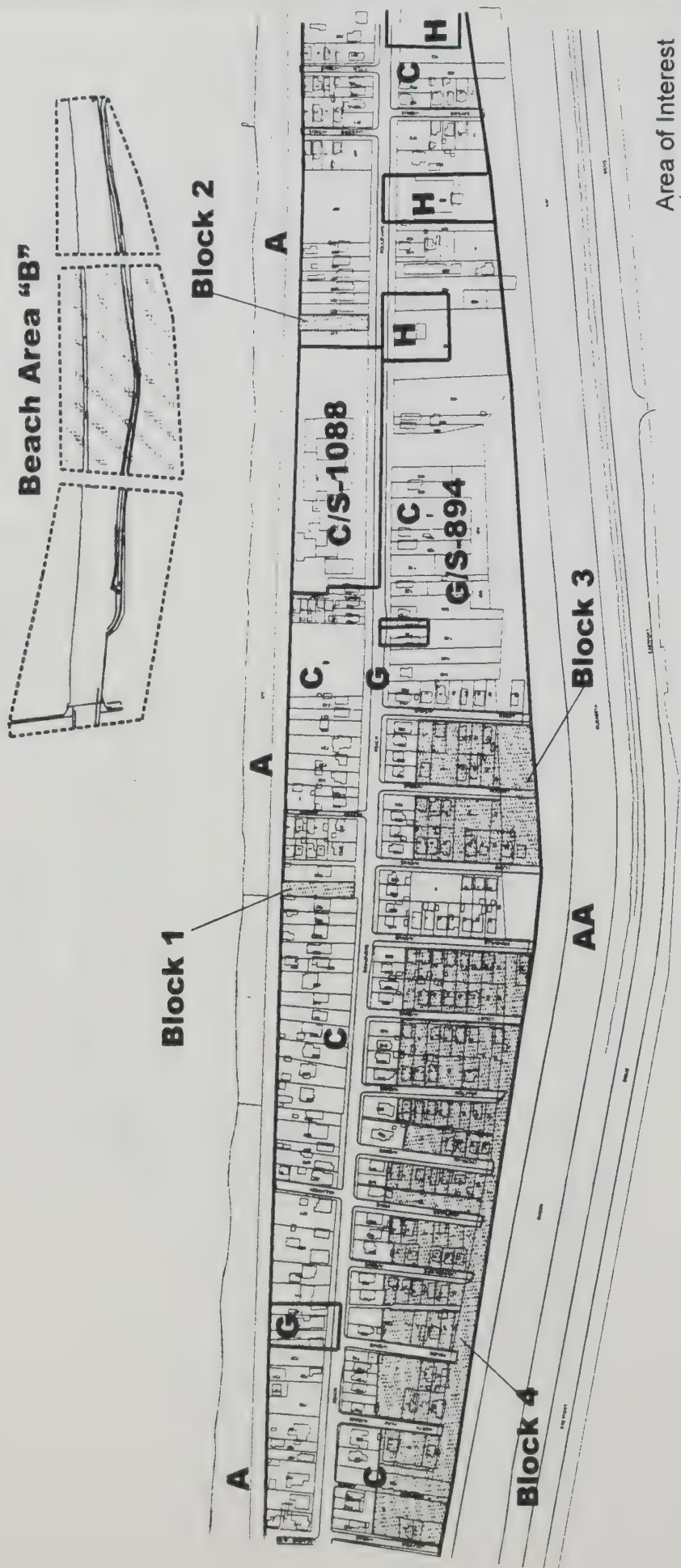


COMMUNITY PLANNING AND DEVELOPMENT DIVISION


Lands Subject to Zoning  
By-Law modifications



|                 |                 |
|-----------------|-----------------|
| Reference file: | CI-98-D         |
| Scale           | Not to Scale    |
| Date            | September, 1999 |
| Technician:     | J.S.            |



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

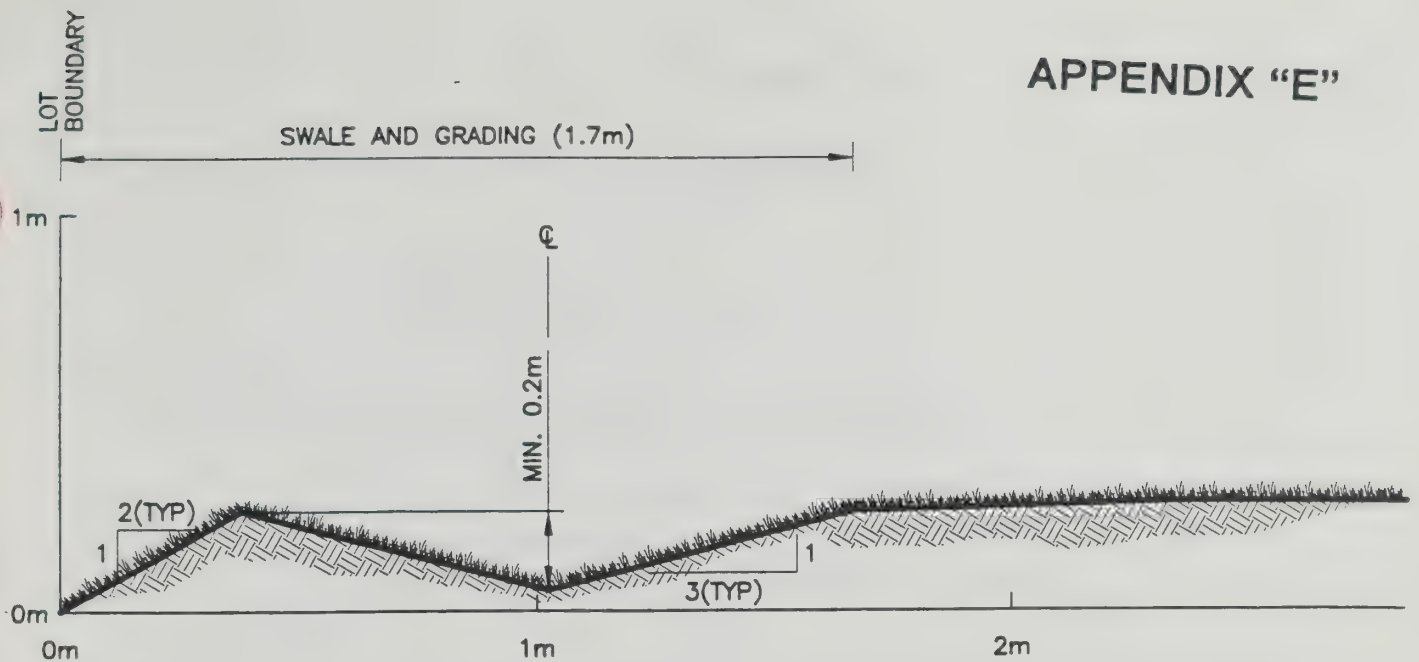


Blocks: 1, 2, 3, 4  
No buildings or structures except fences, allowed within the last 4.5m (15ft) of the rear yard

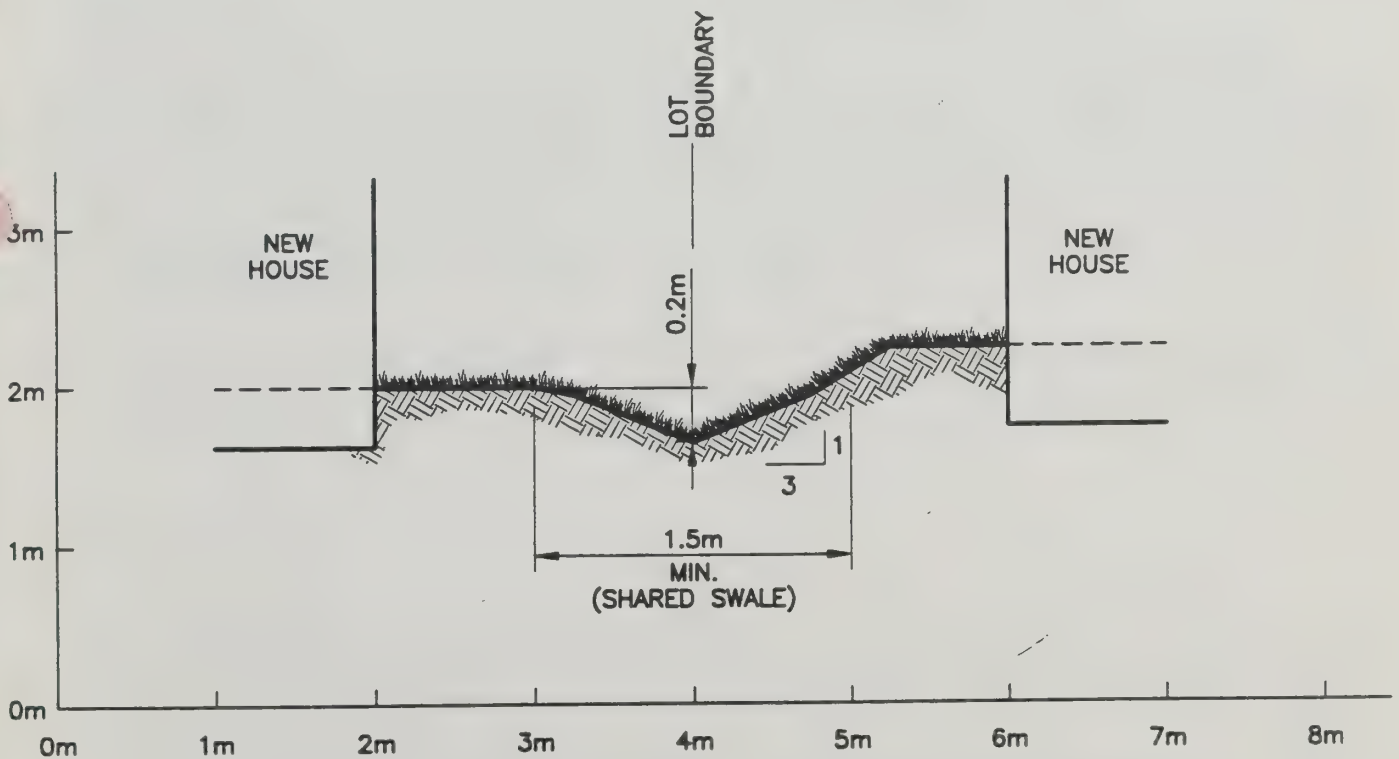
Reference file:  
CL-99-D  
Scale  
Not to Scale  
Date  
September, 1999  
Technician:  
J.S.



# APPENDIX "E"



TYPICAL SIDELOT SWALE ADJACENT TO EXISTING DEVELOPMENT



TYPICAL SWALE BETWEEN TWO NEW DEVELOPMENTS

CLIENT

CITY OF HAMILTON

TITLE

SWALES

**Marshall Macklin Monaghan**

Consulting Engineers . Surveyors . Planners  
80 Commerce Valley Dr. E, Thornhill, Ont. L3T 7N4  
Tele (905)882-1100 Fax (905)882-0055

Checked

J.C.P.

Drawn

AutoCAD/B.K.B.

Date

JULY 29 1999

Proj. No.

1499015-01-101

Scale

N.T.S.

Figure No.

5.3

Gr.No.

01





# CITY OF HAMILTON

4b)

## - INFORMATION -

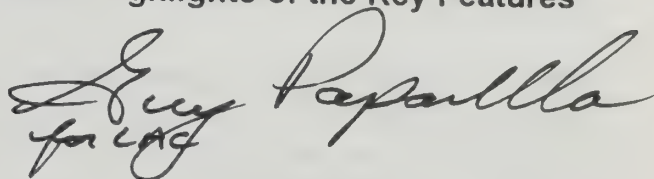
**DATE:** 1999 October 29  
(4511 - Condominium General)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Ms. Lee Ann Coveyduck, M.C.I.P., R.P.P.  
General Manager,  
Community Planning & Development Division

**SUBJECT:** The Condominium Act, 1998 - Highlights of the Key Features  
(PDC99127)

**SUMMARY:**



The Condominium Act, 1998 represents a major change in the way condominium corporations will be created in Ontario and will provide more flexibility in expediting development. The Act also has recognized the growing trend of condominium conversions by providing the opportunity for municipalities to ensure prospective purchasers of converted units are fully aware of the condition of the major components within the building. These changes are desirable.

When the Regulations to the Act are released and staff have evaluated the implications of the Act more fully, a follow-up recommendation report will be prepared with more detailed discussion of the key issues that will affect the City of Hamilton.

**BACKGROUND:**

The Condominium Act, 1998 was given Royal Assent on December 18, 1998. At the present time, the Regulations for the Act have not been proclaimed and as such the Act is not yet in force. The Provincial Government had indicated previously that the Regulations were to be in place by the fall of 1999. The purpose of this information report is to briefly highlight the key features of the Act. When the Regulations are in place and staff has had an opportunity to assess the implications, a follow-up recommendation report will be prepared.

The changes contained in the legislation are extensive, particularly in regard to the role and operations of a Condominium Corporation. Of interest to the City of Hamilton is the introduction of five different types of condominium corporations and the new disclosure and performance audit requirements for rental buildings/structures converted to condominium status.

## **New Types of Condominiums:**

### **1. Standard Condominium Corporations**

This is the conventional condominium corporation that has been in existence since the Condominium Act was first introduced in 1967. The new legislation makes some significant changes to the operation and management of conventional condominium matters.

### **2. Phased Condominium Corporations**

Many residential developments are constructed in phases. Each new phase of development is created as a separate condominium with the result that at the end of the development, there may be many different condominium corporations for one development.

This new form of condominium allows phased developments to be merged as each successive phase is created so that upon completion of the entire project only one condominium remains. Successive phases cannot be registered until all services and facilities have been installed or provided as required by the municipality to the point where the first phase of development could operate independently.

In the current development context, each phase of a condominium requires separate Condominium Approval Agreements with the City and must comply with all requirements of the Zoning By-law. When this form of condominium becomes available, some of the administrative details undertaken by staff on a repetitive basis will be minimized, e.g., creation of rights-of-way.

### **3. Leasehold Condominium Corporations**

This condominium allows for the development of common elements and units on leased land. This condominium form is primarily intended for major institutions such as hospitals and universities to develop surplus land for any type of use including residential, commercial or industrial activities.

The initial term of the lease may be from 40 to 99 years and any renewal of the lease must be for a minimum period of 10 years. Leasehold unit owners may sell, rent and mortgage their unit without the consent of the landlord. Only the Condominium Corporation deals with the landlord at the end of the lease, the land and buildings revert to the landlord.

The leasehold concept in the residential context has been long prevalent in the United Kingdom and can potentially provide a more inexpensive form of housing. In essence, the cost of land will be eliminated from the market price of the units. To what extent Ontario residents would accept this new housing concept is difficult to say. Further, it is uncertain whether there are potential investors/institutions willing to lease their landholdings for long periods of time.



#### 4. Common Element Condominium Corporations

This is a condominium corporation that is composed entirely of common elements that does not divide the land into units. The owner of an interest in the common element condominium must also own a separate piece of property in the same Land Registry division, e.g., Hamilton-Wentworth. The property is used as security for the payment of common expenses, i.e., a lien can be placed on the property if the common expense payments fall into arrears.

This concept will allow for the creation of golf courses, marina's, ski hills, etc. as a condominium but does not require the creation of units. Alternatively, where development abuts a significant natural or heritage feature, e.g., a woodlot, this could be incorporated into a common element condominium and the homeowners on neighbouring conventional lots would be jointly responsible for the long-term stewardship of the feature.

This type of condominium can also be used in most municipalities including Hamilton for the establishment of a condominium road serving freehold lots. A parcel of land could contain a condominium road linked to a municipal street with conventional dwelling lots and structures on either side of the condominium road. The building lots would be landlocked in that they would front onto the condominium road and not a public highway. These homeowners would then each be owners of a proportional interest of the condominium road and would be responsible for maintenance, upkeep and snow clearing. (It should be noted that the creation of land locked parcels of land are not permitted under the City of Hamilton Zoning By-law.)

A positive aspect of this scenario is that such a condominium road may facilitate the development of awkward land parcels that may not be able to accommodate roadways constructed to municipal standards, yet still provide freehold housing opportunities for the marketplace. This could result in the construction of new housing units or other forms of development and the subsequent economic spin-offs that may not have occurred in the absence of this condominium option.

A potential concern with the condominium road scenario is that the freehold unit owners fronting onto the private road (the common element condominium corporation), may feel that they are being "double taxed". They would pay City property taxes and an additional tax in the form of the monthly condominium fees for the common element, i.e., the private road.

From the City's perspective, there are some advantages and disadvantages in regard to the common element condominium corporation that require further review. When the Regulations for the Act are available, an assessment of the appropriateness of this option in the City of Hamilton context will be undertaken.

## 5. Vacant Land Condominium Corporations

A condominium corporation may be created where there are no buildings or structures at the time of registration. The units will be vacant lots. Owners of the lots may decide at a later point what type of structure to build, usually after registration. This condominium concept is anticipated to support the creation of "golf course communities" or "gated communities" which are prevalent in the United States and British Columbia.

These types of condominiums tend to appear in more rural ex-urban locations where they would function as their own enclave. Gated communities are certainly attractive to security or class-conscious purchasers but there is an emerging concern among planning professionals about the impact of these communities on overall municipal functions. Also, similar to the common element condominium, there may be the perception among owners that they are being double-taxed in terms of municipal property taxes and monthly condominium fees.

It is also unclear how this type of condominium would function in an urban environment on, for example, a large infill property. There may be some discrepancies and concerns in regard to roadways and garbage collection as in most cases all internal roadways in this type of condominium would not be owned or maintained by the respective municipality. Further, a vacant land condominium may preclude the ultimate planned development of a neighbourhood in that the road network would be private.

### **Condominium Conversion Matters:**

The new Condominium Act, 1998 has recognized the growing trend of converting residential apartments and townhouses to condominium status. The "Approval Authority" (the Region of Hamilton-Wentworth) for proposed Plans of Condominium will receive enhanced discretionary powers to ascertain the physical and structural condition of rental apartments or townhouses that are proposed to be converted to condominium ownership in future.

A new clause provides that upon an application to convert a property to condominium status, the Approval Authority may require the applicant to retain an architect or an engineer to inspect the property and report to the Approval Authority on any matters of concern. As well, the Approval Authority can impose conditions that it believes are "reasonable" in light of the contents of the report prepared by the architect or engineer. Further, the Approval Authority can require that the condominium declaration contain statements respecting the conditions it has imposed.

This new provision is important to ensure buyer awareness of the converted condominium unit. The report prepared for the Approval Authority must be included in the "disclosure statement" of the condominium corporation that is made available to prospective purchasers. As well, copies of any agreements that the Approval Authority has required as a condition of approval are also included in the disclosure statement.



Unlike the situation of purchasing an existing single-detached dwelling where a home inspector can be retained to evaluate the structural condition of the dwelling and its major components, it is much more difficult for a prospective purchaser of a converted apartment or townhouse unit to obtain a similar evaluation. It is important to ensure during the approval process for a proposed Plan of Condominium that prospective purchasers of existing rental units converted to condominium status are fully aware of the condition of their structure and its components.

Considering the age of rental buildings that generally undergo conversion to condominium, this up-front assessment of the structural components of the building is very important and warranted. Under the new Act, a condominium corporation will be required to obtain a performance audit of the "major components" of the common elements not earlier than 6, and not later than 10, months after registration. "Major components" include roof structures, foundations, parking garages, wall construction, air and vapour barriers, windows, doors, mechanical systems, electrical systems, fire protection systems and elevators. An engineer or architect must complete the performance audit.

There have been situations across Ontario in buildings recently converted to condominium status where major expenditures have been required to rectify deficiencies and/or failures of the major components within the building. A "Special Assessment" is levied against all unit holders to cover the cost of these unexpected expenditures. The "Special Assessment" can amount to thousands of dollars depending on the deficiency or failure. Considering the majority of converted apartment and townhouse dwellings in Hamilton are marketed as low-cost home ownership, it is very likely that households purchasing these units may not have the ability to absorb these large unanticipated expenditures.

Requiring an inspection report prepared by an engineer or architect during the approval process will minimize the risk that the performance audit required to be undertaken soon after registration will identify any new significant deficiencies or failures. This action would reduce the risk of "Special Assessments" being levied on recent purchasers of converted apartment units or townhouse dwellings.

KE/ke



**CONSENT AGENDA****PLANNING AND DEVELOPMENT COMMITTEE**

Wednesday, November 24, 1999

9:30 o'clock a.m.

Room 233, City Hall

**A. ADOPTION OF THE MINUTES**

- (a) Minutes of the Special meeting held October 26, 1999
- (b) Minutes of the Regular meeting held November 3, 1999
- (c) Minutes of the Special meeting held November 9, 1999

**B. ACTING COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

International Village BIA Proposed Budget and Schedule of Payment for 2000 (PWT99079)

**C. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT**

- (a) 831 West 5<sup>th</sup> St – demolition (PDC99132)
- (b) Request for a further six (6) month extension for the approval of Site Plan Control Application DA-95-21 for an addition to the existing St. Peter's Hospital, 88 Maplewood Avenue (PDC99131)
- (c) Proposed Draft Plan of Condominium "Juliana Court", 1385 Upper Wentworth Street (CDM-99-03) (PDC99122).

**D. GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION**

- (a) Core Heritage 2000 Program, 44 Hughson Street North, 43-45 King William Street (HSB99006)
- (b) Core Heritage 2000 Program, 164½ King Street East (HSB99007)





E. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

- (a) St. Mark's Church – Support for Preservation of Building (PDC99137)
- (b) "Ballinahanch", 316 James Street South- Designated Property Plaque (PDC99136)
- (c) Hamilton Psychiatric Hospital – Potential Sale (PDC99138)

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items



(a)

**The Planning and Development Committee met in special session.**

**There were present:** Alderman F. D'Amico, Chairperson  
Mayor R. Morrow  
Alderman F. Eisenberger  
Alderman M. Caplan  
Alderman B. Kelly  
Alderman D. Haining  
Alderman R. Corsini,  
Alderman D. Wilson (in Lieu of Aldermen Copps)

**Regrets:** Alderman B. Charters

**Also present:** Alderman A. Horwath  
Lee Ann Coveyduck, General Manager, Community  
Planning and Development Division  
Bill Janssen, Planning and Development  
Nina Chapple, Planning and Development  
Kevin Nutley, Real Estate Division  
Helen Vastis, Corporate Counsel  
Tina Agnello, Secretary

**1. ST. MARK'S CHURCH REVIEW COMMITTEE**

**St. Mark's Church – Proposed New Use (Information Report)**

Nina Chapple gave a brief history of the property which was purchased by the City in 1994 and designated under the Heritage Act in 1995. A consultant has since been hired to determine what repairs are required. The roof has been repaired in January 1999. Recently an ad was placed in the paper for proposals to purchase or lease 4 proponent have 5 proposals.

Dr. John Fems, Deacon at 172 Park Street West, Dundas, L9H 1Y1 was present to present The St. George congregation proposal.

Rev. Mark Watters of the Charismatic Episcopal Church was present to present his group's proposal. He stated that there has been a great deal of misinformation regarding his group's proposal. The primary focus will be as a church.

Elize Hartey and Sandy Warren Spoke on behalf of the Women's Metis group. Their intention is to provide educational and technical upgrading for skills as well as a medicine garden, Wolverine publishing, a "Step Up" program and a proposal in conjunction with the provincial government on "supervised visitations".

Cathy Gazzolla of 140 Herkimer Street and chairperson of Central School was present. She stated that there are 175 children at the school, of which 52% do not have English as a first language. Concerned over the safety of the children as a result of potentially using the building to counsel victims of sexual abuse. She stated that this may jeopardise the viability of the school which is on the closure list.

Janice Brown, 163 Duke Street and on the executive of the Durand Neighbourhood association stated that she was disappointed that the association has not been



involved in the process thus far. She suggested that regardless of the Committee decision the property should be rezoned to prevent highrise development.

Helene Fallon, President of the Durand Neighbourhood Association, 265 MacNab Street was present. She gave additional information regarding the history of the property, specifically, that the property was originally purchased for open space and requests for proposal were previously entertained in the newspaper for uses to enrich the community and downtown. No Church groups submitted proposals at that time. She stated that the downtown secondary plan proposes that this area of the neighbourhood be the new gateway to the downtown. She said that having more therapeutic facilities in this area flies in the face of the fact that the neighbourhood and City in general is inundate with these facilities.

Joan MacDonald of 43 Duke Street urged the Committee to go to the public with the proposals. She stated that there is evidence to suggest that if individuals have been abused they too will become predators.

John Smith of 50 Sunnyville Avenue in Hamilton and a member of St. George's congregation was present. He stated that the church proposes to use the building for its original intended use.

Alderman Caplan requested further information on the funding for these proposals. He suggested that business plans be developed and that there be public consultation.

Alderman Eisenberger suggested that the sub-Committee be re-struck.

Alderman Horwath stated that the residents have many concerns. She suggested that the zoning issue be addressed. She also suggested that the residents be given the opportunity for input at their annual general meeting on November 4.

The mayor urged the Committee to come to a resolution at the earliest possible.

Following discussion the Committee resolved that a new sub-Committee be struck comprised of 3 to 5 members of Council and that staff of the Real Estate Division review the proposals and report back to the sub-Committee in one month.

**The Committee suspended the rules of order to hear an item not previously reported on the Agenda.**

## **2. FCM BROWNFIELDS RESOLUTION**

The Committee forwarded to Council the following resolution:

WHEREAS Canada's historic industrial-based economy has shifted to a post-industrial information and service-based economy resulting in the closure of a significant number of industrial facilities across the country and, these closures have resulted in many municipalities being littered with brownfield sites, many of which are abandoned and subject to municipal property tax arrears;

AND WHEREAS the costs of remediation seriously impair the ability of the private sector and/or municipalities to undertake remediation of such brownfield sites, particularly those located in economically challenged areas and older urban centers;

AND WHEREAS, many industrialized nations (i.e. USA, UK) have committed funding through Federal and joint State/Provincial/Municipal programs to provide assistance to the private sector and municipalities for brownfield remediation and redevelopment;

AND WHEREAS, several industrialized nations also currently provide tax credits and other tax incentives to promote brownfield redevelopment;

THEREFORE BE IT RESOLVED THAT the FCM petition the Government of Canada to institute a comprehensive, stand-alone Brownfields Program that includes direct funding for the redevelopment and remediation of brownfield properties, and tax credits and other tax incentives for brownfields redevelopment;

AND BE IT FURTHER RESOLVED THAT in the interim, brownfield redevelopment be eligible for funds through any future Canada Infrastructure Works Program as referenced in the FCM's Quality of Life Infrastructure Program Proposal.

3. ADJOURNMENT

There being no further business the Committee meeting adjourned.

Taken as read and approved.

Alderman F. D'Amico  
Chairman  
Planning and Development Committee

Tina Agnello  
Secretary  
/ta





**The Planning and Development Committee met.**

**There were present:** Alderman F. Eisenberger, Acting Chairperson  
Mayor R. Morrow  
Alderman M. Caplan  
Alderman B. Kelly  
Alderman D. Haining  
Alderman R. Corsini,  
Alderman B. Charters  
Alderman D. Wilson (in Lieu of Aldermen Cops)

**Regrets:** Alderman F. D'Amico, Chairperson

**Also present:** Alderman M. Kiss  
Alderman B. Morelli  
Alderman A. Horwath  
Lee Ann Coveyduck, General Manager, Community  
Planning and Development Division  
Guy Paparella, Planning and Development  
Paul, Mason, Planning and Development  
Paul Mallard, Planning and Development  
Bill Janssen, Planning and Development  
Steve Robichaud, Planning and Development  
K. Extance, Planning and Development  
P. Lampman, Building Department  
Ed Switinky, Public Works and Traffic  
Dave Powers, Corporate Counsel  
Tina Agnello, Secretary

**PUBLIC MEETING.**

**1. City Initiative 98-D, Master Drainage Plan for the Beach Strip – Results of the Final Report (second report) (PD99055A)**

Prior to this Public Meeting, Alderman Eisenberger advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

The Committee was in receipt of a report from the General Manager Community Planning and Development Division dated October 14, 1999.

Joanne Hickey Evans summarized the report for those present.

Joe Camarro of 669 Beach Boulevard and owner of 677 Beach Boulevard was present. He requested that the Committee postpone its decision until it reviews the possibility of installing dry wells. He was also concerned that many people could not attend because the meeting is being held during the day. He also was concerned about the \$125. fee for appeals. He also questioned the 15% no building zone in the rear of homes when many people already have sheds there.

The Chairperson noted that the \$125. fee for appeals is mandated by the Provincial Government.

Mr. Chajka explained that there have been meetings involving the public which explained the various options. Dry wells was one of the options but it was not considered the optimal solution because of high lake levels and because it does not work well when there are high intensity storms. It is important to ensure that there be no spillage onto neighbours property. Mr. Chajka is to send a copy of the report to Mr. Camarro.

In response to a question from Alderman Wilson, Kevin Nutley advised that adoption of this city initiative will decrease the building envelope on beach properties.

Alderman Eisenberger was concerned that the new homes to be built will not be in keeping with the existing homes as a result of the smaller building envelope.

The mayor advised that these policies are important to preserve the beach as a vibrant community.

Following discussion the Committee tabled the report to the next regular Planning and Development Committee meeting in order to allow people to further gather and present information on this matter.

## **2. CONSENT AGENDA**

### **A. ADOPTION OF THE MINUTES**

**Minutes of the meeting held October 20, 1999**

Minutes of the meeting held October 20, 199 were approved as circulated.

**The following recommendations were forwarded to Council for approval:**

### **B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

**Eleventh Annual Public Service Announcement (PWT99059) dated October 13, 1999:**

That the City of Hamilton's Public Works and Traffic Department, in conjunction with the Keep Hamilton Clean Committee, hold the Eleventh Annual Public Service Announcement Competition through Mohawk College Media Studies Program and Cable 14 at a total cost of \$2,500.

### **C. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT**

#### **(i) 304 Kenilworth Ave N – demolition (PDC99113) dated October 13, 1999:**

That the Building Commissioner be authorized to issue a demolition permit for 304 Kenilworth Avenue North in accordance with By-law #74-290 pursuant to Section 33 of The Planning Act, as amended.

Alderman Wilson voiced concern regarding the intent of the demolition.

- (ii) **308 Kenilworth Ave N – demolition (PDC99114) dated October 19, 1999:**

That the Building Commissioner be authorized to issue a demolition permit for 308 Kenilworth Avenue North in accordance with By-law #74-290 pursuant to Section 33 of The Planning Act, as amended.

Alderman Wilson voiced concern regarding the intent of the demolition.

- (iii) **1391 Barton St E – demolition (PDC99115) dated October 13, 1999:**

That the Building Commissioner be authorized to issue a demolition permit for 1391 Barton Street East in accordance with By-law #74-290 pursuant to Section 33 of The Planning Act, as amended.

- (iv) **Application to Remove Part-Lot Control – Lots 1-24, inclusive and Blocks 25-28, inclusive, Registered Plan 62M-885 "Wellington Estates, Phase 1" and Blocks 19-22, inclusive, Registered Plan 62M-823 "Allison Estates, Phase 4" (PDC99121) dated October 22, 1999:**

- (a) That approval be given to Part Lot Control Application 99-07, 839891 Ontario Inc., owner (A. DiSilvestro, president), to remove part-lot control for Lots 1 – 24, inclusive and Blocks 25 – 28, inclusive, located in "Wellington Estates, Phase 1", Registered Plan 62M-885, and Blocks 19 – 22, inclusive, Registered Plan 62M-823 "Allison Estates, Phase 4" for lands fronting on Meadowpoint Drive and Jacqueline Boulevard, for the purpose of establishing maintenance easements and rights-of-encroachment, as shown on the attached map marked as Appendix "A";
- (b) That the appropriate by-law, to remove part lot control from Lots 1 – 24, inclusive and Blocks 25 - 28, inclusive, Registered Plan 62M-885 "Wellington Estates, Phase 1" and Blocks 19 – 22, inclusive, Registered Plan 62M-823 "Allison Estates, Phase 4", be enacted by Council;
- (c) That the exempting by-law be restricted to a 1 year effective time period to expire on December 1, 2000;
- (d) That following the enactment of this by-law, the Director, Land Development Department, Community Planning and Development Division (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

- (v) **Application to Remove Part-Lot Control – Block 52, Registered Plan 62M-743 "Rymal Square Estates, Phase 4" (PDC99120) dated October 22, 1999:**

- (a) That approval be given to Part Lot Control Application 99-09, Rymal Square Development Inc, owner (A. Weisz, president), to remove part-lot control for Block 52, located in "Rymal Square Estates, Phase 4", Registered Plan 62M-743 for lands known municipally as 565 Rymal Road East, for the purpose of establishing mutual rights-of-way between two phases of a



condominium development and establishing easements for rear yard access, as shown on the attached map marked as Appendix "B";

- (b) That the appropriate by-law, to remove part lot control from Block 52, Registered Plan 62M-743 "Rymal Square Estates, Phase 4", be enacted by Council;
  - (c) That the exempting by-law be restricted to a 1 year effective time period to expire on December 1, 2000;
  - (d) That following the enactment of this by-law, the Director, Land Development Department, Community Planning and Development Division (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.
- (vi) **Application to Remove Part-Lot Control – Lots 2-5, inclusive and Block 6, Registered Plan 62M-891, "Olmstead Park, Phase 2" (PDC99119) dated October 22, 1999:**
- (a) That approval be given to Part Lot Control Application 99-10, Paul Silvestri, owner, to remove part-lot control for Lots 2 - 5, inclusive and Block 6, Registered Plan 62M-891, "Olmsted Park, Phase 2", known municipally as 2, 6, 10, 14 and 18 Marilyn Court, for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "C";
  - (b) That the appropriate by-law, to remove part lot control from Lots 2 – 5, inclusive and Block 6, Registered Plan 62M-891, "Olmsted Park, Phase 2", be enacted by Council;
  - (c) That the exempting by-law be restricted to a 1 year effective time period to expire on December 1, 2000;
  - (d) That following the enactment of this by-law, the Director, Land Development Division, Community Planning and Development Division (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

**D. GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION**

- (i) **Core Heritage 2000 Program, 76 George Street (HSB99004) dated October 19, 1999:**

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of three thousand, four hundred and forty (\$3,440) to 822994 Ontario Limited, registered owner of 76 George Street North, be approved.



- (ii) **Core Heritage 2000 Program, 239 King Street East (HSB99005) dated October 19, 1999:**

That a grant, for façade improvements, under the Core Heritage 2000 Program, in the amount of one thousand, three hundred and fifteen dollars (\$1,315) to John Kenyon, c.o.b. as JSK Pawnbrokers, tenant of 239 King Street East, be approved subject to the fulfillment of the requirements of the Program.

**3. REFERRAL BACK FROM COUNCIL**

**Neighbourhood Plan Amendments- 1999 Housekeeping review Subsections (b)(c)(d)**

The Committee approved the following resolution to be forwarded to City Council:

That approval be given to the following Neighbourhood Plan amendments:

- (a) That the approved Kirkendall North Neighbourhood Plan be amended by redesignating the lands shown on Appendix "D" as Block 1 from "Medium Density Apartments" to "Commercial" and Block 2 from "Single & Double Residential" to "Commercial".
- (b) That the approved Ainslie Wood North Neighbourhood Plan be amended by redesignating the lands shown on Appendix "E" as Block 1 from "Utilities" to "Open Space".
- (c) That the approved Strathcona Neighbourhood Plan be amended by redesignating the lands shown on Appendix "F" as Block 1 from "Medium Density Apartments" to "Attached Housing".

**4. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT**

- (a) **Economic Strategy and Development Financing Study – Downtown Secondary Plan (PD99029A)**

Greg Cardwell of Price Waterhouse Coopers was present to review the document for the Committee.

The Mayor stressed the fact the Tax system which overtaxes the downtown businesses in conjunction with the banks who are not loaning money to these same businesses is the main problem which must be overcome in order for the downtown to be revitalized. He added that if the capping of taxes is further extended the situation will be made worse.

Alderman Corsini and Alderman Wilson concurred.

Alderman Caplan suggested that a small retail enterprise zone be established for specialty shops. He further suggested a review of the Open for Business policy and that development be reviewed on an individual basis.

Alderman Horwath suggested that the city implement Tax Incremental Financing as in the City of London.

Alderman Kelly added that partnerships with senior levels of government are essential to revitalization.

Alderman Charters stated that there is no demand for downtown Hamilton because there is no ambience and no distinct development trends. The City must be proactive in enforcing standards, and lowering taxes.

Alderman Eisenberger suggested a "Kill the Cap" campaign for Queen's Park. The banks will not loan money because the tax burden is great.

L. Coveyduck, General Manager, Community Planning and Development Division stated that the new consolidated zoning bylaw will follow the secondary plan. The Open for Business policy is in effect for 3 years. We already have a tax incentive program for heritage building and are working on developing similar incentive for Brownfields.

In response to a question from Alderman Horwath, L. Coveyduck advised that the transportation plan and secondary plan will go to a public meeting in February, 2000.

As recommended in a report from the General Manager, Community Planning and Development Division the Committee approved the following resolution:

That the Economic Strategy/Development Financing Study be received and referred to the Community Planning and Development Division staff to incorporate into the Downtown Secondary Plan.

**(b) Spallacci property, King Street East  
Information Report (Report distributed at the meeting)**

The Committee was in receipt of an information report from the General Manager, Community Planning and Development Division dated November 1, 1999

Lorne Haverty was present on behalf of Mr. Spallacci. He advised that the demolition has not occurred for the following reasons: because of the street reconstruction a development agreement has not been finalized and that is required prior to getting a permit for the sales pavilion which is required prior to tearing down the building.

Alderman Horwath suggested that a special review group as recommended in the secondary plan be convened to expedite development matters.

A discussion ensued regarding the site plan to which the, General Manager, Community Planning and Development Division advised that the site plan will be ready for the next meeting of the Planning and Development Committee.

Following discussion the Committee resolved that no action be taken in order to allow the developer to meet with staff to finalize the site plan.

**5. SECRETARY. LACAC**

**Auchmar, 88 Fennell Avenue West- Designation**

The Committee approved the following resolution for Council's consideration:

That Section 9 of the Thirteenth Report of the Planning and Development Committee approved by City Council at its meeting of June 29, 1999 regarding the designation of 3.55 acre portion of Auchmar be DELETED and REPLACED with the following:

- (a) That approval be given to the Intent to designate the former estate (9.6 acres) of the Honourable Isaac Buchanan, known as Auchmar, at 88 Fennell Avenue West, as a property of historical and architectural value, pursuant to the provisions of Part IV of the Ontario Heritage Act, 1997, as outlined in the Reasons for Designation attached hereto and marked as Appendix "G";
- (b) That the Corporate Counsel be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act.

## 6. OTHER BUSINESS

### Site Plan, 1800, King Street East – Jadwiga and Janusz Weiss

The Committee suspended the rules of order in order to hear an unscheduled delegation.

Mrs. Jagwiga Weiss and solicitor Fred lee were present.

Following brief discussion the Committee recommended to Council as follows:

- (a) That the current owner of lands at 1800 King Street East, Jadwiga Weiss and Janusz Weiss pay \$20,000.00 towards the Security Requirements for Site Plan Control Application DA-99-22 prior to the issuance of a Building permit and that three (3) months after occupancy the remaining balance, \$19,750.00, be paid; and,
- (b) That this approval shall apply only to 1800 King Street East, for Jadwiga and Janusz Weiss.

## 7. ADJOURNMENT

There being no further business the Committee meeting adjourned.

Taken as read and approved.

Alderman F. Eisenberger  
Acting Chairman  
Planning and Development Committee

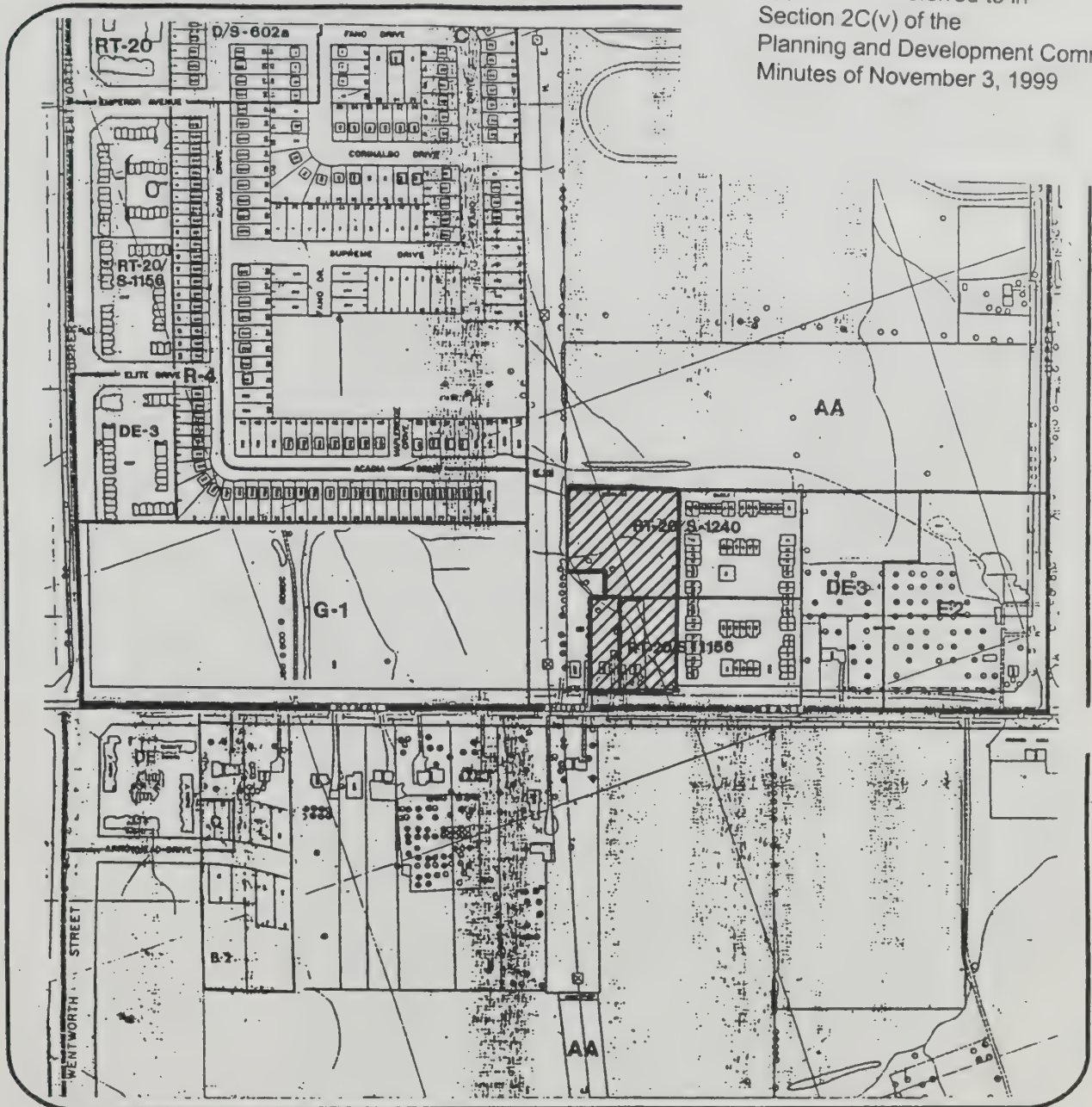
Tina Agnello  
Secretary  
/ta





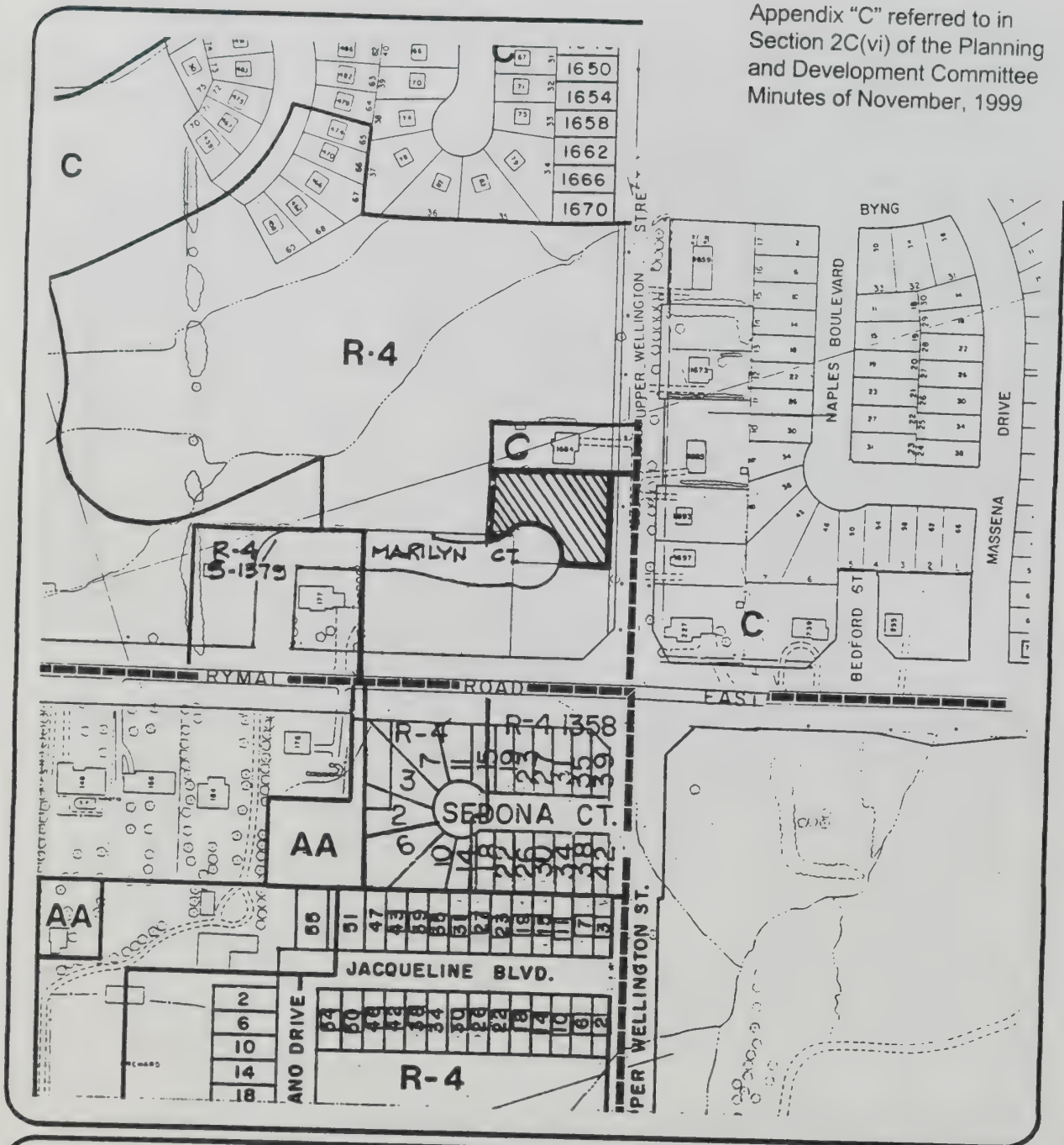


Appendix "B" referred to in  
Section 2C(v) of the  
Planning and Development Committee  
Minutes of November 3, 1999

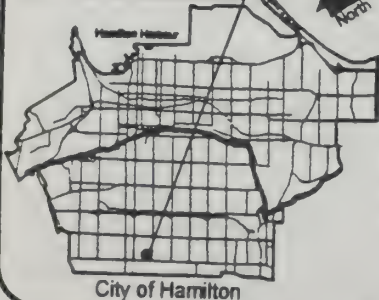


|  |   |  |                       |
|--|---|--|-----------------------|
| <p>Hamilton, Ontario<br/>Site of Application</p> <p>City of Hamilton</p> | <p>PLANNING AND DEVELOPMENT DEPARTMENT</p> <h2 style="margin: 0;">Location Map</h2> |  | Reference file:       |
|  | <p>Site of Application</p>  |  | Scale<br>Not to Scale |
|  |   |  | Date<br>August, 1999  |
|  |   |  | Technician<br>J.S.    |
|  |   |  | <p>North</p>          |

Appendix "C" referred to in  
Section 2C(vi) of the Planning  
and Development Committee  
Minutes of November, 1999



Site of the Application



City of Hamilton

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

Legend



Site of the Application

Reference file:

**PLC-99-10**

Scale

**Not to Scale**

Date

**Oct., 1999**

Technician:

**B. B.**

**APPENDIX 'A'**

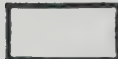




### Block 1

From: "Medium Density  
Apartments"

To: "Commercial"



### Block 2

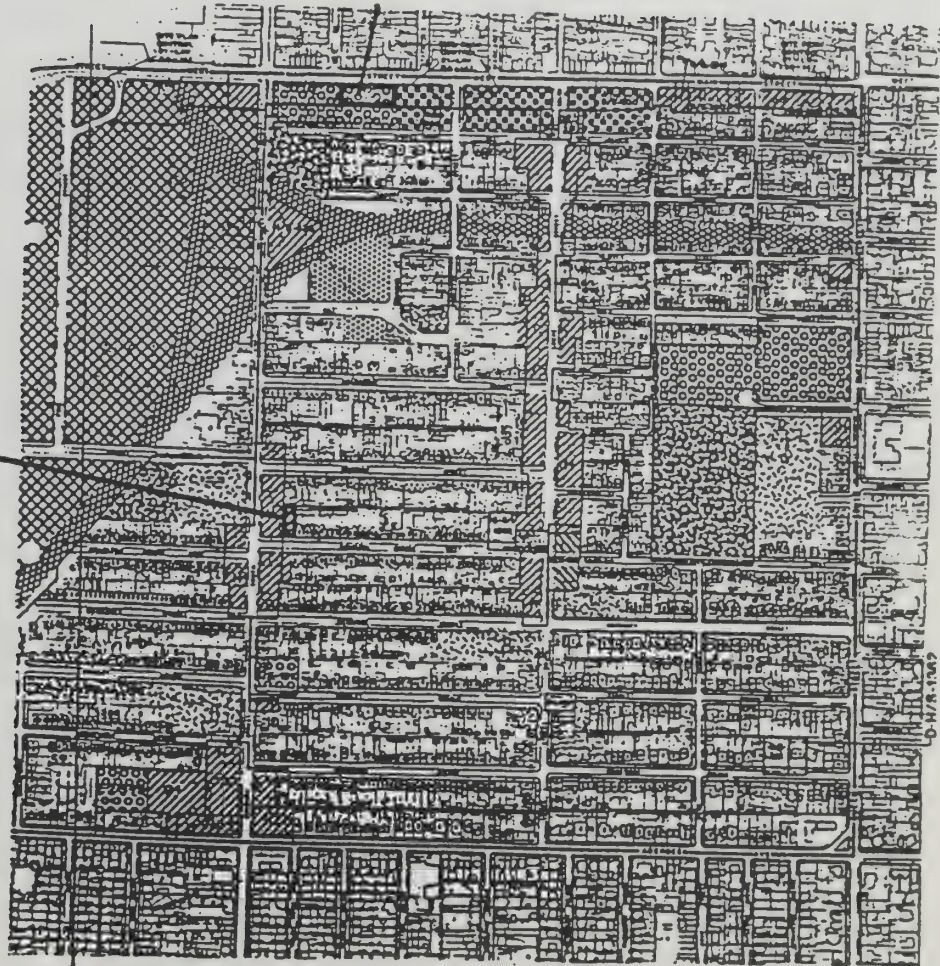
From: "Single & Double  
Residential"

To: "Commercial"

Appendix "D" referred to in  
Section 3(a) of the  
Planning and Development Committee  
Minutes of November 3, 1999

## BLOCK 1

## BLOCK 2



|  |  |   |  |
|--|--|---|--|
| <p>Notes: This is a <b>GUIDE PLAN</b> only and subject to change. For details consult the City Planning and Development Committee.</p> |  | <p>Land Use</p> <p>RESIDENTIAL</p> <ul style="list-style-type: none"> <li>single &amp; double</li> <li>attached housing</li> <li>low density apartments</li> <li>medium density apartments</li> <li>condominium &amp; low density row</li> <li>condominium &amp; apartments</li> </ul> <p>COMMERCIAL</p> <p>INDUSTRIAL</p> <p>Civic &amp; INSTITUTIONAL</p> <p>Park &amp; RECREATIONAL</p> <p>OPEN SPACE</p> <p>UTILITIES</p> | <p>Planning Committee</p> <p>City of Hamilton</p> <p>PLANNING DEPARTMENT</p> <p>KIRKENDALL NORTH</p> <p>APPROVED PLAN</p> <p>Scale</p> |
| <p>EXISTING POPULATION (1994) 5781</p>   |  | <p>82</p>   |  |

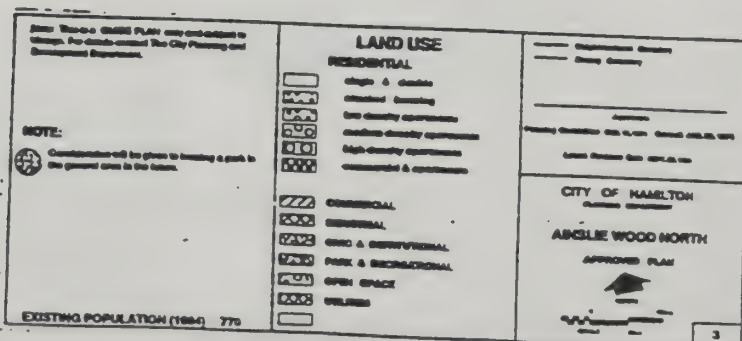


Block 1

From: "Utilities"

To: "Open Space"

Appendix "E" referred to in  
Section 3(b) of the  
Planning and Development Committee  
Minutes of November 3, 1999



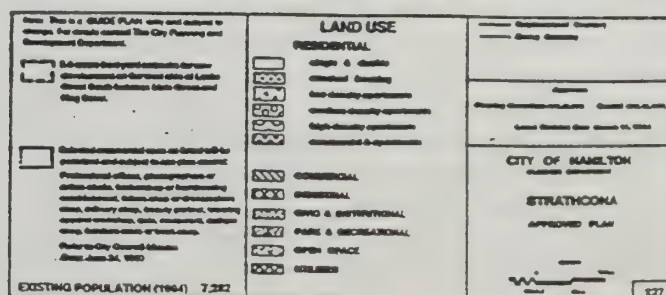
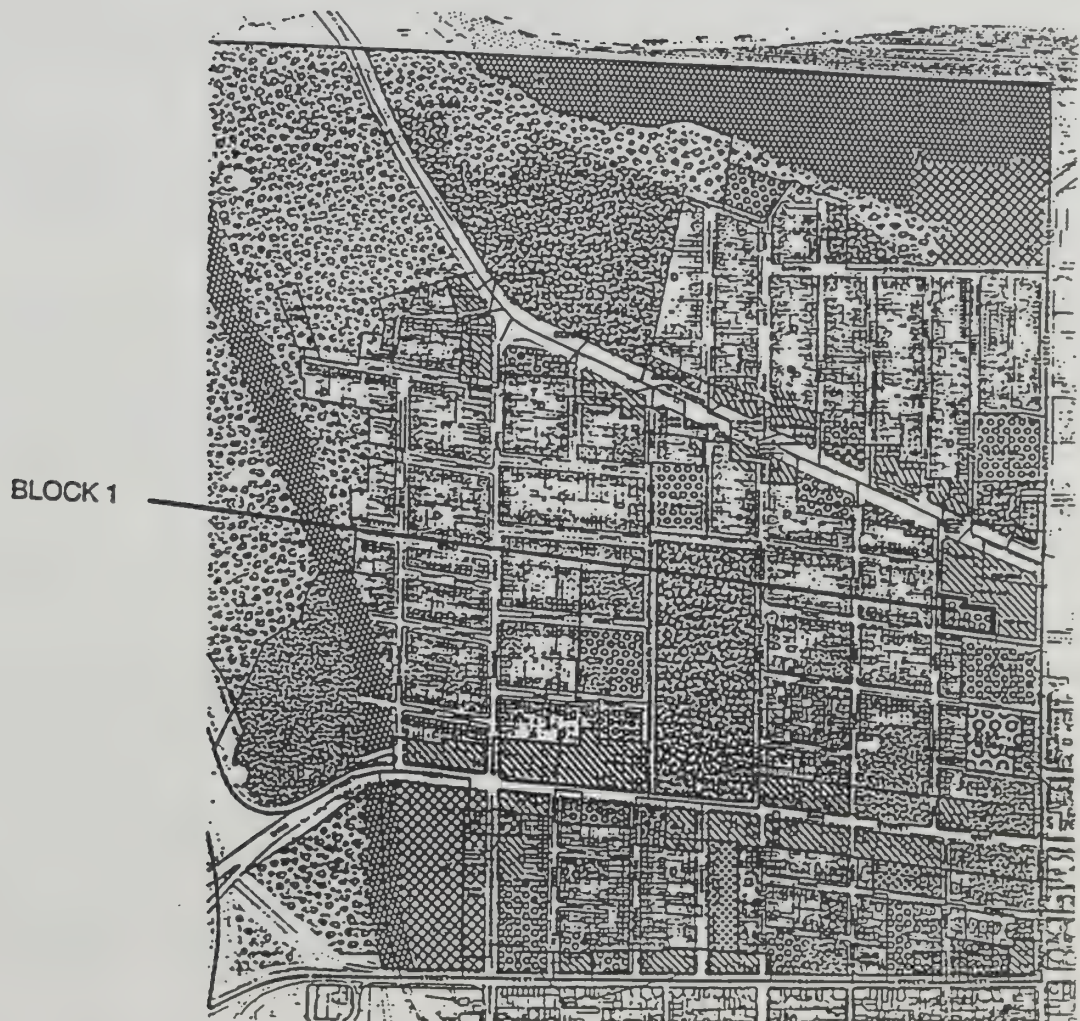


### Block 1

From: "Medium Density Apartments"

To: 'Attached Housing'

Appendix "F" referred to in  
Section 3(c) of the Planning and  
Development Committee  
Minutes of November 3, 1999



**Auchmar**  
88 Fennell Avenue West, Hamilton

Appendix "G" referred to in  
Section 5 of the  
Planning and Development Committee  
Minutes of November 3, 1999

**REASONS FOR DESIGNATION**

In 1852, Scotsman Isaac Buchanan, purchased property on the west mountain for an estate worthy of a successful wholesale merchant, civic leader, and aspiring political figure in the United Provinces of Canada. In 1855, he began building his country manor on lands totalling eighty-six acres. The entire property he named Claremont Park; the walled and landscaped portion he called Auchmar after his family's vast estate on Loch Lomond. This walled estate, consisting of approximately 9.6 acres, is located at the north-east corner of Fennell Avenue West and West Fifth Street.

**1850's Country Estate in Hamilton**

In Upper Canada during the pre-Confederation era, it was the fashion for wealthy gentlemen to leave their mark on the new country by building magnificent country estates. For over a century Hamilton was distinguished for its legacy of elegant country villas dating from this period, most of which have been lost with the city's expansion. Auchmar is one of only two such estates on Hamilton mountain to survive intact; the other being Chedoke on the escarpment brow.

In some ways, The Honourable Isaac Buchanan's country estate of Auchmar may be considered a sequel to Sir Allan MacNab's estate of Dundum. Built twenty years later, on the mountain instead of the bay and in a later architectural style, Auchmar shares many of the same planning and design features found at Dundum.

Essentially, both properties are modelled after the gentleman's country estate of Britain. Like Dundum, the entrance to Auchmar was heralded by a gate-lodge, located on its northern-most boundary at the escarpment brow (still existing at 71 Claremont Drive). For the requisite scenic approach to the grounds, Auchmar's driveway was designed as a .5 kilometre treed allee (following today's streets of Arcade and Glenwood Crescents) passing through an arched entranceway (now closed) into Buchanan's secluded private grounds. The treed allee continued southwards towards the main focal point, Buchanan's manor house, a home with presence and dignity, enhanced by landscaped gardens. The drive proceeded to circle around to the south entrance facade of the house, designed as a perfect mirror image of the north garden face.

Buchanan's complex includes additional structures typical of a gentleman's estate: a carriage house, two arched passageways, high garden walls, and a square, two-storey dovecote, all constructed in stone. The first stone wall swings north-east from the archway at the carriage house around to the dovecote, creating a sizeable, south-facing walled garden. A second high stone wall extends along the east border of the property and partially across its north boundary, designed to provide privacy and a shelter for Buchanan's original orchard. Most of this orchard wall still exists as do a number of apple trees believed to be remnants from his original planting. A third low stone wall runs along the south border of the property at Fennell Avenue.



Today, this historic enclave, although little known to the outside community, represents a rare and significant cultural heritage landscape, dating from one of Hamilton's most illustrious building periods. In 1970, Buchanan's Auchmar and its gatehouse Claremont Lodge were recognized and plaqued as a property of Provincial significance.

### **Picturesque Cultural Landscape**

Like Dundurn, Auchmar survives today as a rare and outstanding example of a mid-nineteenth century Picturesque country estate, complete with manor house, outbuildings and landscape features. With its built and natural features integrated into a comprehensive design, Auchmar fully upholds the principles of the Picturesque: its setting is secluded and wooded; its structures and landscaping display an interest in movement and variety; and the choice of design capitalises on the play of light and shadow. The verandahs and terraces (now gone) once served to extend interior space outdoors into the garden, another key component of the Picturesque.

The architect of Auchmar is to date unknown; the landscape design is attributed to George Laing, a British landscape architect responsible for gardens at Dundurn Castle and Rock Castle in Hamilton, and Woodend in Ancaster (presently the HRCA headquarters).

### **Gothic Revival Style**

The manor house of Auchmar is considered to be an excellent, full-blown example of the Gothic Revival style in Upper Canada, characterised by the use of such features as multiple gables, bargeboard decoration, pointed arched windows, bay windows and clustered chimney stacks. The lively and intricate detailing of the Gothic style enhances the Picturesque effect of the whole.

By comparison to the more formal Gothic mansions in Hamilton, like Inglewood and Rock Castle, Auchmar takes the more informal, playful aspects of the Gothic Revival and expands them to the grand scale of a country mansion. Unusual, too, is its interior layout based on a Roman cross plan with the central hallway running the width of the house flanked by staircases at each end. Designing identical front and garden facades, likewise, provided an inventive solution to creating equally important facades: the approach (north) side and the formal entry (south) side.

The Gothic Revival style was also successfully integrated throughout the estate. The interior of the manor house shows gothic detailing in the rib vaulting of the hallway, pointed arched doors, decorative wooden shutters, plaster ceiling, fireplaces, etc. Gothic detailing also appears on all the outbuildings—in the matching diminutive gatehouse, in the carriage house's bargeboard and pinnacles; in the dovecote's bargeboard, cupola and traceried pigeon holes; and in the latticed garden pagoda (now gone).

### **The Honourable Isaac Buchanan**

The Honourable Isaac Buchanan (1810-1883) was a man of many achievements—in business, politics and church affairs. He became one of the country's leading wholesale merchants and together with several other businesses established Hamilton as an important wholesale distribution centre. Buchanan was one of Hamilton's major civic leaders from the 1850's to the 1870's, as a promoter of the railway and as a prominent figure in local politics and the Scottish Presbyterian community. He was also an influential figure in the politics of the United Provinces of Canada.

### As Entrepreneur

Isaac Buchanan began his mercantile career in Glasgow as an apprentice with the trading firm, William Guild & Co. and moved to Montreal in 1830. By 1834, Isaac and his older brother Peter were able to establish their own firm, Peter Buchanan and Company, based in Glasgow. In 1840, the wholesale dry goods and groceries firm of Buchanan, Harris and Company was established in Hamilton, with a branch office in Montreal. With Isaac's fearless opportunism and his partners' managerial skills, the Buchanan enterprise expanded rapidly, becoming one of the largest and most profitable wholesale businesses in Upper and Lower Canada. Isaac Buchanan played an instrumental role in the formation of boards of trade, becoming first president of the Toronto Board and later the Hamilton Board (formed in 1864).

### As Politician

Throughout his life Isaac Buchanan was passionately engaged in politics. In the early 1840's, he served as representative for Toronto in the first Legislative Assembly of the Province of Canada. He later served several terms as Hamilton representative (between 1857 and 1867) and was also appointed president of the Executive Council in the 1864 Tache Macdonald administration. He also deserves much of the credit, along with Sir Allan MacNab, for bringing the Great Western Railway to Hamilton.

### As Religious Leader

As a man of religion, Buchanan gave liberally in time and wealth to Presbyterian causes and churches across the country. He was strongly committed to promoting the Knox "free" church, donating to the building fund for the first Knox Church in Hamilton (1845) and later bearing the major cost of erecting the MacNab Street Church (1856).

### History of Site

The Mountain estate of Isaac and Agnes Buchanan, with its spacious villa and landscaped grounds, provided a fitting setting to raise their large family, entertain dignitaries, and hold church and political functions. Unfortunately, their enjoyment of Auchmar was relatively short-lived. Isaac's increasingly speculative and unprofitable business ventures forced him to begin selling off portions of his landholdings as early as 1862. In 1873, a large parcel to the west was sold for the construction of the Hamilton Asylum for the Insane and the remainder of his property, including Auchmar, was sold the following year to pay his creditors.

After 1874, Auchmar and the remainder of Buchanan's property changed ownership a number of times and continued to be subdivided. Around the turn-of-the-century, Auchmar was owned and occupied by Captain Alfred Trigge and his family. The estate was then acquired by Elsie Buchanan, the youngest daughter of Isaac and Agnes, who in turn sold it to Alan Vernon Young in 1926. During World War II, Auchmar served as a convalescent hospital for the R.C.A.F. The 33-acre property was further subdivided before the remaining portion was sold in 1945 to the Sisters of Social Service, a Roman Catholic order originating in Budapest, Hungary. The Sisters acquired the original building complex and surrounding landscaped grounds (9.6 acres in size) with the intent of opening a novitiate for women studying to become members of the order. The original villa was enlarged in 1963 by the addition of a large rear wing (with a chapel and conference centre) to serve as a retreat house. In recent years, the Sisters have lived in the smaller modernized carriage house.



## Designated Features

Many remnants still exist from the layout of Buchanan's original estate but only those features on the present-day Auchmar property are included in the designation.

The features important to the preservation of Auchmar include but are not limited to the following: built and natural landscape features: the manor house, carriage house, dovecote, garden walls (four), treed allee, orchard, walled garden and park-like setting with its open space and mature trees.

Significant features of the manor house include but are not limited to the following: all four original exterior facades—walls, gables, dormers, clustered chimney stacks, all original windows including the castellated bay windows, doors, mouldings, decorative bargeboard, pinnacles/pendants and brackets. Included also on the interior are the first and second storey hallways and vaulting, the staircases, and the original walls, doors, windows, shutters, fireplaces, wood and plaster mouldings, and wood panelling.

Significant features of the remainder of the estate include the exterior facades of the carriage house—original stone walls, gables and dormers, and pinnacles; of the dovecote—the original stone walls, gables, bargeboard, traceried pigeon holes; the original stone garden walls with coping stones, openings and gates; and foundation remnants near the wooded area.

Excluded from designation are the later additions to the manor house, the garage and the Holy Spirit Retreat Centre.



Tuesday, November 9, 1999  
Room 233, City Hall  
6:30 o'clock a.m.

(c)

**The Planning and Development Committee met in Special Session:**

**There were present:** Alderman F. D'Amico, Chairperson  
Mayor R. Morrow  
Alderman M. Caplan  
Alderman R. Corsini  
Alderman F. Eisenberger  
Alderman D. Haining  
Alderman B. Kelly  
Alderman D. Wilson (in lieu of Alderman Copps)

**Regrets:** Alderman B. Charters

**Also present:** Alderman C. Collins  
Alderman B. Morelli  
Alderman D. O'Sullivan  
D.A. Lychak, City Manager  
Lee Ann Coveyduck, General Manager, Community  
Planning and Development Division  
Charlie Guthro, Acting Director of Public Works & Traffic  
Stella Glover, Acting Secretary

**1. GENERAL MANAGER, CORPORATE SERVICES**

**Declaration of Surplus Property – 344 Ferguson Avenue North  
(CS99022)**

Lee Ann Coveyduck, General Manager, Community Planning and Development Division addressed the above noted report. City Manager, D. Lychak, advised that this was an excellent opportunity to create a successful use for a brownfield site and was optimistic that it would be the start of a number of positive developments.

As recommended in a report from the General Manager, Corporate Services, dated November 4, 1999 the Committee recommended to Council as follows:

- a) That the property at 344 Ferguson Avenue North be declared surplus to the requirements of the City of Hamilton in accordance with the Real Property Sales Procedural By-law No.95-049; and,
- b) That Real Estate, Legal Services Section be authorized and directed to sell this Property in accordance with the Real Property Sale Procedural By-law 95-049 and cause a report to be brought back to Council respecting any proposed sale; and,
- c) That prior to any sale of the subject property those lands that are required, if any, for the implementation of the Ferguson Avenue Master Plan be identified and retained in the ownership of the City; and,
- d) That the completion of any proposed sale be subject to the relocation of the Public Works Yard presently occupying this property.



2. ADJOURNMENT

The business for which the Special Meeting was called, having been dealt with, the meeting then adjourned.

Taken as read and approved.

Alderman F. D'Amico  
Chairman  
Planning and Development Committee

Stella Glover,  
Acting Secretary

B.

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1999 November 11  
Author: H. Milsome

**REPORT TO:** Chairman and Members  
Planning & Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** International Village Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000  
(PWT99079)

### RECOMMENDATION:

- a) That the 2000 operating budget for the International Village B.I.A. (attached as Appendix 'A') be approved in the amount of \$68,960; and,
- b) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (a) above; and,
- c) That the following schedule of payments for 2000 be approved:

|         |           |
|---------|-----------|
| January | \$34,480. |
| July    | \$34,480. |

NOTE: 1999 assessment appeals may be deducted from the 2000 levy payments.

*Charles Guthro*

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The \$68,960. is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

**BACKGROUND:**

At its Annual General Meeting held 1999 November 10, the International Village B.I.A. adopted a 2000 operating budget of \$68,960. The process followed to adopt the International Village B.I.A. 2000 budget was in accordance with the B.I.A.'s constitution.

CG:HM:hm  
Attachment

c.c. Mary Pocius, Executive Director  
International Village B.I.A.

Alan Ross, General Manager  
Finance Department  
Attn: Anna Apkarian, Supervisor of Tax Administration/Banking



## APPENDIX 'A'

### INTERNATIONAL VILLAGE BUSINESS IMPROVEMENT AREA'S 2000 BUDGET

#### OPERATIONS:

|                     |          |
|---------------------|----------|
| Rent                | \$ 8,400 |
| Utilities           | 2,500    |
| Phone/Fax           | 1,600    |
| Office Supplies     | 1,500    |
| Equipment Purchase* | 1,500    |
| Bank Charges        | 500      |
| Total               | \$16,000 |

#### WAGES:

|                    |          |
|--------------------|----------|
| Executive Director | \$31,000 |
| Wage Costs         | 3,410    |
| Summer Student     | 1,500    |
| Wage Costs         | 100      |
| Total              | \$36,010 |

#### MISCELLANEOUS:

|                         |          |
|-------------------------|----------|
| Insurance               | \$ 1,600 |
| Audit                   | 450      |
| Printing & Postage      | 1,500    |
| Advertising & Promotion | 10,000   |
| Contingency             | 3,400    |

**TOTAL BUDGET \$68,960**

\*Purchase photocopier



Ca)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1999 November 3

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
831 WEST 5<sup>TH</sup> STREET - Tag Number 99-138550  
(99.1.1.A) (PDC-99132)

**RECOMMENDATION:**

*Lee Ann Coveyduck*

That the Building Commissioner be authorized to issue a demolition permit for 831 West 5<sup>th</sup> Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** C & C/S-1424 (not final)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Single Family Dwelling in a new plan of subdivision

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing one-storey single family dwelling to incorporate the lands into a new plan of subdivision, however, as of this date an application for a subdivision agreement has not been submitted. This property is located on the east side of West 5th between Limeridge Road West and Chester Avenue. The lands are in the Kernigham Neighbourhood and is in Ward 8. No LACAC interest. Lot size 80' x 300'.

The owner of the property and applicant as per the demolition permit is:

112581 Ontario Ltd.  
1000-120 King Street West  
Hamilton, Ontario L8P 4V2

*6/11/21*





(b)

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** November 2, 1999  
DA-95-21  
Blakely Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

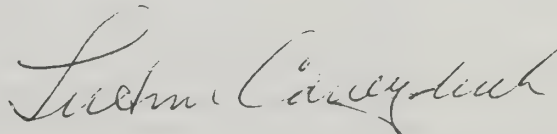
**SUBJECT:** Request for a further six (6) month extension for the approval of Site Plan Control Application DA-95-21 for an addition to the existing St. Peter's Hospital, 88 Maplewood Avenue (PDC99131).

**RECOMMENDATION:**

That approval be given to the request by St. Peter's Hospital, owner, at 88 Maplewood Avenue, as shown on the attached map marked as Appendix "A", for a further extension to the approval of Site Plan Control Application DA-95-21 to May 30, 2000, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

**EXPLANATORY NOTE:**

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a Building Permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. The approval of DA-95-21 will cease on November 30, 1999. Thus, St. Peter's Hospital has requested a further extension of this time limit until May 30, 2000.



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Under By-law No. 87-150, City Council approval is required to modify the time frame of Site Plan Approval.

**BACKGROUND:**

Site Plan Control Application DA-95-21 received approval on May 30, 1996. The site plan approval deals primarily with the replacement of the south wing of the hospital facility. However, to date, no building permit has been issued.

In April 1998 St. Peter's Hospital requested an extension to the approval of Site Plan Control Application DA-95-21 until May 30, 1999, which was granted by the Planning and Development Committee and City Council on May 6, 1998, and May 12, 1998, respectively. At that time the applicant indicated that in the fall of 1997 the Provincial Health Services Restructuring Commission (HSRC) released its Interim Report on the Hamilton Region recommending, among other things, that St. Peter's Hospital be closed but then revised the recommendations to provide for an alliance between St. Peter's Hospital, the Hamilton Health Sciences Corporation and St. Joseph's Hospital. This led to a coordinated response from St. Peter's Hospital, the Hamilton Health Sciences Corporation and the Region of Hamilton-Wentworth on the provision of chronic and long term care services to the Region.

In June 1999, for the reason mentioned above, St. Peter's Hospital requested a further extension to the approval of Site Plan Control Application DA-95-21 until May 30, 2000. However, the Planning and Development Committee and City Council on June 23, 1999 and June 29, 1999, respectively, only granted a six (6) month extension until November 30, 1999.

#### **Update**

There remain a number of complex issues surrounding the restructuring of hospital services in the region which have not yet been finally determined. Depending on the outcome of these changes St. Peter's may still wish to proceed with the reconstruction of the south wing in accordance with the previously approved plans and drawings. For this reason St. Peter's Hospital is requesting that the City extend the approval for another six months; that is, until May 30, 2000.

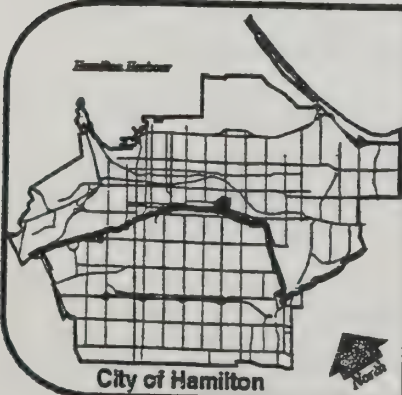
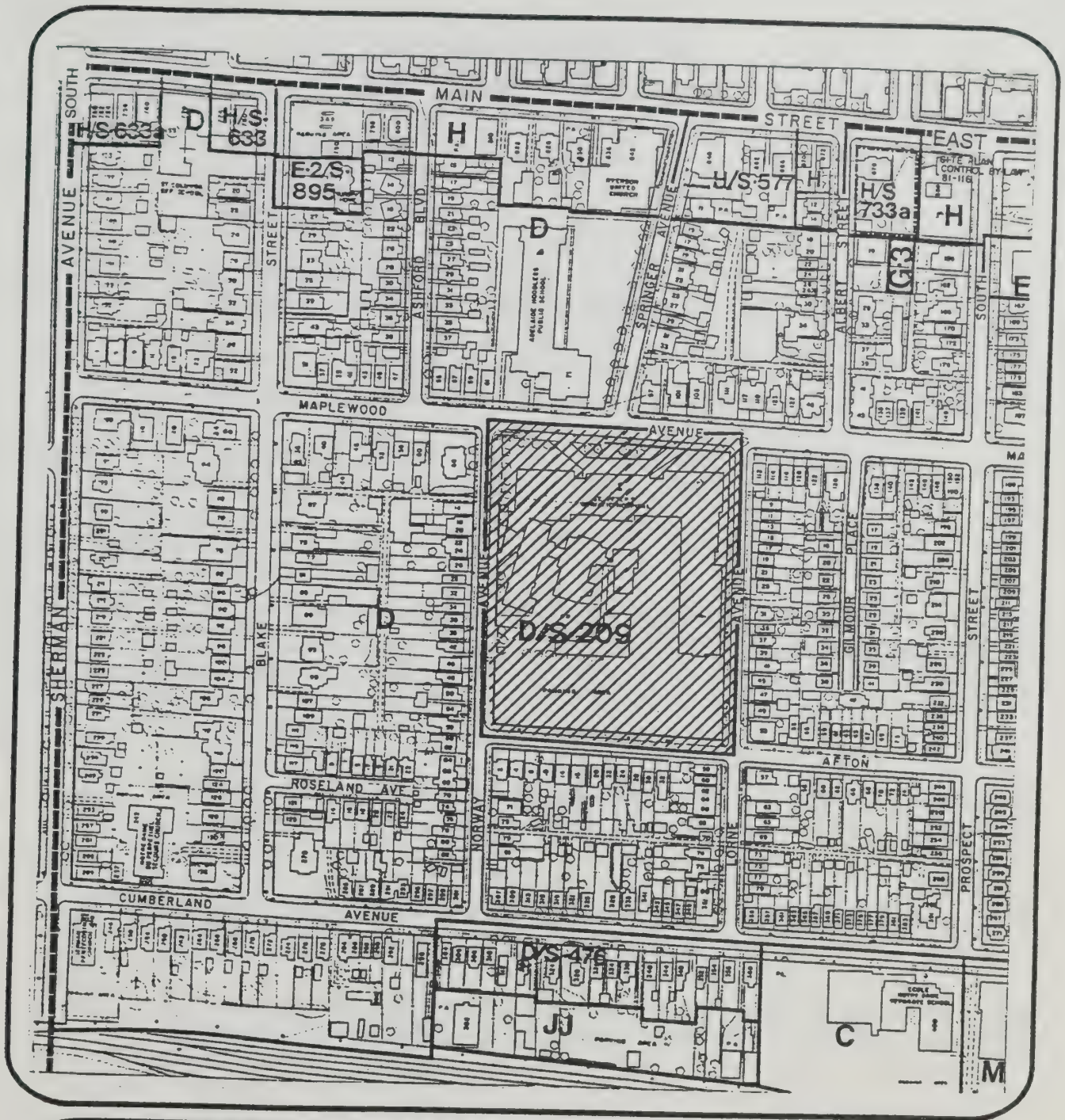
There are no changes proposed to the approved plans and drawings. Furthermore, a review of the 1997 cost estimate of exterior works has been undertaken and found to be satisfactory.

#### **COMMENTS:**

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part, or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. City Council approval is therefore required to modify the time frame. Since no changes are proposed to the approved application, it is recommended that a six (6) month extension be granted, as requested.

At the end of this six (6) month period, if no Building Permit has been issued, it is recommended that a new application be submitted for the approval of development plans.





PLANNING AND DEVELOPMENT DEPARTMENT

## Location Map

### Legend



Site of the Application

Reference file:

DA-95-21

Scale

Not to Scale

Date

JUNE, 1999

Technician:

FAB

APPENDIX A



C(c)

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** 1999 October 26  
CDM-99-03  
Butler Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Proposed Draft Plan of Condominium "Juliana Court"  
1385 Upper Wentworth Street (PDC99122)

**RECOMMENDATION:**

- (1) That approval be given to Condominium Application CDM-99-03 (Regional File No. 25CDM-99013) "Juliana Court", ADJ Ventures Inc. (c/o D. Valentini), owner, to establish a draft plan of condominium for 20 townhouse units, known municipally as 1385 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:
- i) That this approval apply to the plan prepared by A.J. Clarke and Associates Ltd. and certified by B.J. Clarke, O.L.S., dated October 1, 1999, showing 20 townhouse units;
  - ii) That the final plan of condominium comply, in all respects, with the approved Site Plan (DA-99-39);
  - iii) That the applicant satisfy all conditions of site plan approval applicable to the subject lands to the satisfaction of the City of Hamilton, prior to registration of the Final Plan of Condominium;
  - iv) That the Final Plan of Condominium comply with all of the applicable provisions of the City of Hamilton Zoning By-law No. 6593;
  - vi) That the following warning clause be registered on title for all units within the development and included in every agreement of purchase and sale, to the satisfaction of the Director, Land Development Department and Corporate Counsel:

*"Purchasers are advised that on-site garbage pick up for each unit by the City of Hamilton will not be available for this site."*

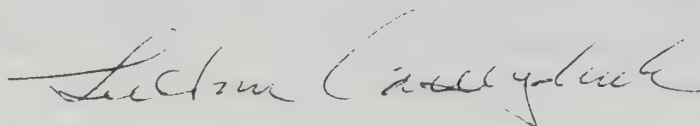


- vii) That the following warning clause be registered on title and included in every agreement of purchase and sale for Units 1 to 3, and Units 16 to 20 to the satisfaction of the Director, Land Development Department and Corporate Counsel:

*"Purchasers are advised that despite the inclusion of noise control measures within the development area and within the individual building units, noise levels may become of concern, occasionally interfering with some activities of the occupants."*

- viii) That the Condominium Corporation be required to enter into and register on title the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement; and,
- ix) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

- (2) That the Municipal Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division of Council's decision.



#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, Council shall consider an application for draft plan approval for a plan of condominium

#### **BACKGROUND:**

##### Proposal

The application is to establish a draft plan of condominium to be developed for 20 townhouse units, known municipally as 1385 Upper Wentworth Street, as shown on the attached maps marked as APPENDICIES "A" and "B".

##### Site Plan Control Application DA-98-12

The proposed condominium development was the subject of Site Plan Control Application DA-99-39 that was approved on September 9, 1999. The Site Plan Agreement has been finalized and registered on title.

#### **APPLICANT:**

ADJ Ventures Inc. (D. Valentini).

**SURVEYOR:**

B.J. Clarke, O.L.S.

**LOT SIZE AND AREA:**

The subject lands are rectangular in shape and have:

- 71.43 m of lot frontage along Upper Wentworth Street;
- a lot depth of 65.39 m; and
- a lot area of 0.46 ha.

**LAND USE AND ZONING:**

|                             | Existing Land Use            | Existing Zoning   |
|-----------------------------|------------------------------|---|
| <u>Subject Lands</u>        | Vacant                       | "RT-20" (Townhouse –<br>Maisonette) District, modified                                  |
| <u>Surrounding Land Use</u> |                              |   |
| To the north                | Single Detached<br>Dwellings | "R-2" (Urban Protected<br>Residential – One and Two<br>Family Dwellings, etc.) District |
| To the south                | Townhouse Units              | "RT-20" (Townhouse –<br>Maisonette) District  |
| To the west                 | Single Detached<br>Dwellings | "C" (Urban Protected<br>Residential, etc.) District                                     |
| To the east                 | Single Detached<br>Dwellings | "R-2" (Urban Protected<br>Residential – One and Two<br>Family Dwellings, etc.) District |

**OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposal complies with the Official Plan.

**NEIGHBOURHOOD PLAN:**

The subject lands are designated "Attached Housing" in the approved Butler Neighbourhood Plan. The proposed plan of condominium complies with the approved

Neighbourhood Plan.

**COMMENTS RECEIVED:**

- The Traffic Department, Transportation, Operations and Enforcement Division has advised of the following:  
  
"As indicated in our comments regarding Site Plan Control Application DA-99-39, that due to the layout of the internal roadways and the operation procedures of the Streets Division, Public Works and Traffic Department, the option of on-site City garbage pick up will not be available. Therefore, we recommend that as a condition of condominium approval notice be registered on title for each unit indicating that on-site City garbage pick up will not be available."
- The Building Department, Community Planning and Development Division have advised that the subject lands must develop in compliance with the applicable provisions of the "RT-20" District and Site Plan Control Application 99-39.
- The Development Engineering Section, Community Planning and Development Division has advised of the following:

"We have the following comments and recommendations regarding the draft plan of Condominium attached to your memo of October 13, 1999.

**Recommendations:**

None.

**Information:**

1. There are existing Municipal storm and sanitary sewers of sufficient size and capacity to service this development directly.
2. There is an existing Municipal watermain available of sufficient size and capacity to service this development directly.
3. There is no Municipal share of services to be installed for this development.
4. There are no road widenings required in connection with this development.

The submitted plan, as prepared by B.J. Clarke, O.L.S. and dated October 1, 1999, is satisfactory to the Community Planning and Development Division, subject to the above comments and recommendations."



- The Development Planning Section, Community Planning and Development Division has advised of the following:

"Since the subject lands are adjacent to an arterial road to the west, which has the potential for traffic noise impacts, the application falls within the parameters of the Provincial Policy Statement, subject to the following condition:

- 1) That the owner agree to include in every agreement of purchase and sale, and register on title the following noise warning clause for Units 1 to 3, and Units 16 to 20:

"Purchasers are advised that despite the inclusion of noise control measures within the development area and within the individual building units, noise levels may become of concern, occasionally interfering with some activities of the occupants."

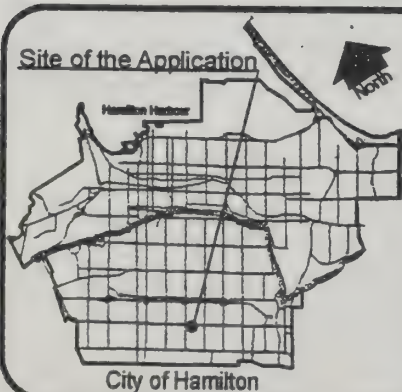
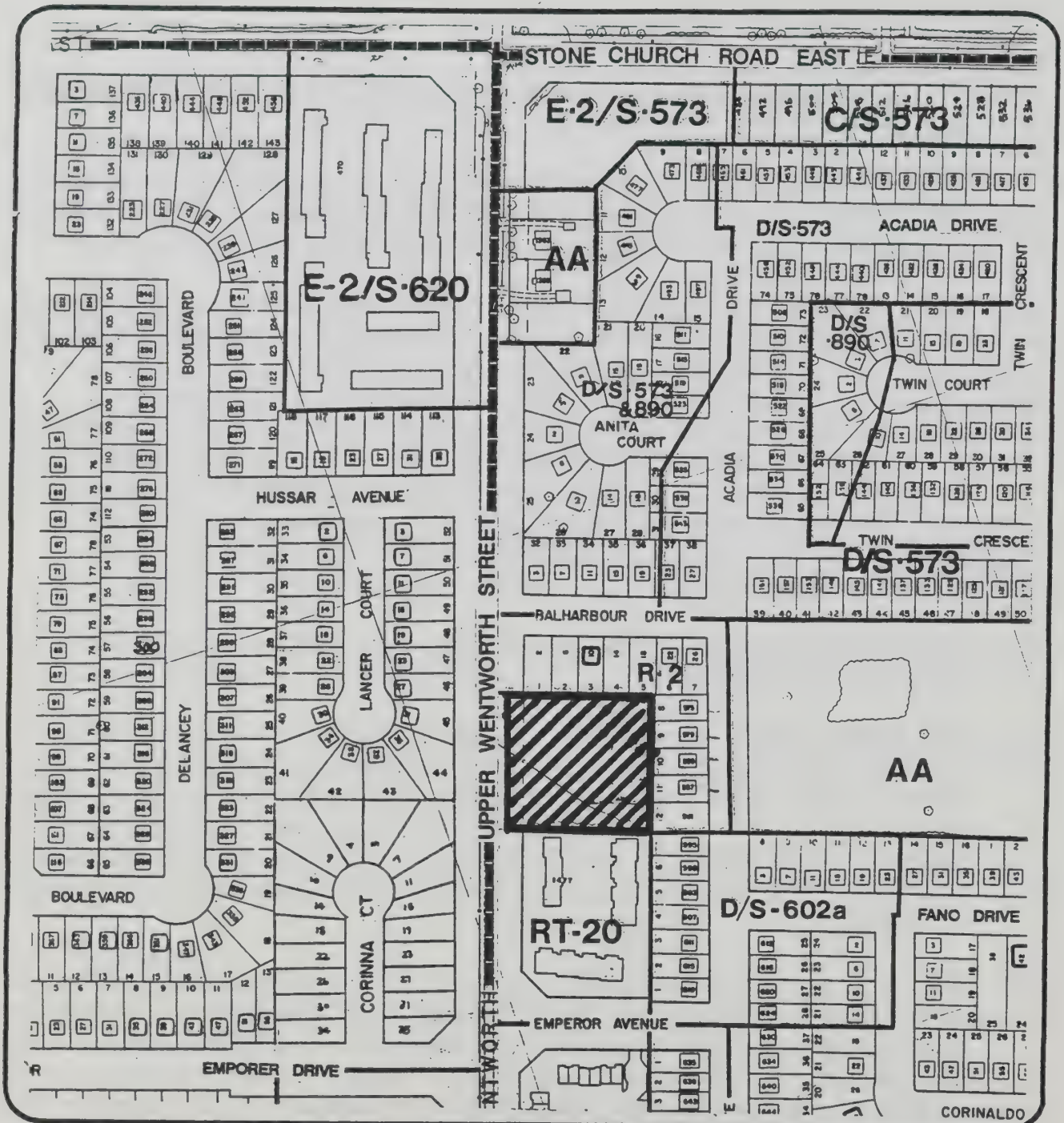
#### **COMMENTS:**

1. The proposal complies with the general intent of the Official Plan and approved Butler Neighbourhood Plan.
2. The Traffic Division has advised that on-site municipal garbage pick-up will not be available due to on-site manouvering restrictions. The applicant was advised of this at the site plan review stage at which time it was indicated that a warning clause would be required to be registered on title. Therefore, as a condition of draft plan approval, a warning clause should be registered on title to inform prospective purchasers that on-site garbage pick up by the City of Hamilton will not be available for this site.
3. The proposed townhouse units are being developed/marketed as "freehold condominium units" to minimize common areas. The individual units will not be on separate parcels of land but rather the exclusive use areas for the individual units will encompass the "front yard" and "rear yard" of the individual units similar to that of a street townhouse type development and that the unit owner, rather than the condominium corporation, will be responsible for the maintenance of the exclusive use areas. The proposed unit boundaries extend to the limits of the property. In this regard, access to the rear yard amenity areas of the interior units will be through the living area of the dwellings.

#### **CONCLUSION:**

Based on the foregoing, the application can be supported.





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend



Site of the Application

Reference file:

Scale  
Not to Scale

Date  
July, 1999

Technician:  
D.L.

Location





Da)

CITY OF HAMILTON

RECOMMENDATION

**DATE:** 1999 November 8

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Michael J. Schuster  
General Manager, Social and Public Health Services Division

**SUBJECT:** Core Heritage 2000 Program  
Grant Increase  
44 Hughson Street North, Hamilton  
43-45 King William Street, Hamilton (HSB99006)

**RECOMMENDATION:**

That a grant increase, for façade improvements, under the Core Heritage 2000 Program, in the amount of one thousand and ninety seven dollars (\$1,097) to Inmar Co. Ltd., registered owner of 44 Hughson Street North and 43-45 King William Street, be approved.

*M. J. Schuster*

Michael J. Schuster, General Manager

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The grant increase of \$1,097 will be funded from the Core Heritage 2000 Program; the uncommitted balance of which is \$314,991.

**BACKGROUND:**

City Council at its meeting held 1999 August 11 approved a grant application under the subject program in the amount of \$19,795. The owner has since met the criteria for additional work costing \$1,097 that has been reviewed and found acceptable. It is therefore recommended that the owner's application be increased from \$19,795 to \$20,892.

MJS/MM/dk

cc Ray Camani, Finance Department





Db)

CITY OF HAMILTON  
RECOMMENDATION

**DATE:** 1999 November 8

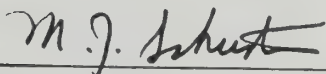
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Michael J. Schuster  
General Manager, Social and Public Health Services Division

**SUBJECT:** Core Heritage 2000 Program  
Grant Increase  
164½ King Street East, Hamilton (HSB99007)

**RECOMMENDATION:**

That a grant increase, for façade improvements, under the Core Heritage 2000 Program, in the amount of five hundred and seventy-two dollars (\$572) to Paul Roth, registered owner of 164½ King Street East, be approved.



Michael J. Schuster, General Manager

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The grant increase of \$572 will be funded from the Core Heritage 2000 Program; the uncommitted balance of which is \$314,991.

**BACKGROUND:**

City Council at its meeting held 1999 August 11 approved a grant application under the subject program in the amount of \$572. The owner has since met the criteria for additional work costing \$572 that has been reviewed and found acceptable. It is therefore recommended that the owner's application be increased from \$12,035 to \$12,607.

MJS/MM/dk

cc Ray Camani, Finance Department



Ea)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** October 6, 1999

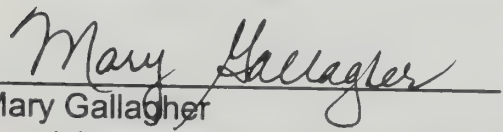
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Mary Gallagher, Secretary  
Local Architectural Conservation Advisory Committee

**SUBJECT:** St. Mark's Church - Support for Preservation of Building  
(PDC99137)

**RECOMMENDATION:**

That LACAC reaffirm its strong support for the preservation of the former St. Mark's Church and its position that under no circumstances should the building be demolished.

  
\_\_\_\_\_  
Mary Gallagher  
Local Architectural Conservation Advisory Committee

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** n/a

**BACKGROUND:**

The Local Architectural Conservation Advisory Committee at its meeting held on Monday, November 8, 1999 approved the above noted recommendation. A copy of the Research Sub-Committee, a Sub Committee of LACAC is attached for your consideration.



**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1999 November 5

**REPORT TO:** Mary Gallagher, Secretary  
Local Architectural Conservation Advisory Committee

**FROM:** Jane Rigby, Chair  
Research Sub-committee

**SUBJECT:** St. Mark's Church - Call for Proposals (PDC99137)

**RECOMMENDATION:**

That LACAC reaffirm its strong support for the preservation of the former St. Mark's Church and its position that under no circumstances should the building be demolished.

*Mina Chapple for J.R.*

**BACKGROUND:**

Five submissions (one later withdrawn) were received in response to a Request for Proposals for the City-owned St. Mark's Church property (advertised in *The Hamilton Spectator* from June 9 to July 12). The RFP stated that preference would be given to proposals requiring little or no municipal funding. The four submissions were reviewed and the proponents interviewed by the St. Mark's Use Committee (now 7 appointed aldermen). See background in agenda.

At its meeting held November 1<sup>st</sup>, LACAC's Research Sub-committee reconfirmed the importance of preserving both the church building and garden forecourt even if none of the four proposals are accepted by Council. The above recommendation was made in response to a Durand Neighbourhood resident's comment suggesting that the building be demolished and the entire site converted to a park.

EB)

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** October 6, 1999

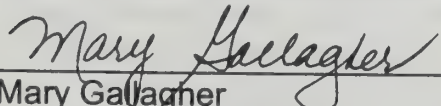
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Mary Gallagher, Secretary  
Local Architectural Conservation Advisory Committee

**SUBJECT:** "Ballinahinch", 316 James Street South - Designated Property  
Plaque (PDC99136)

#### RECOMMENDATION:

That a Designated Property Plaque be approved for the property at 316 James Street South, known as "Ballinahinch" (designated under the Ontario Heritage Act in 1985).

  
\_\_\_\_\_  
Mary Gallagher  
Local Architectural Conservation Advisory Committee

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** n/a

#### BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held on Monday, November 8, 1999 approved the above noted recommendation. A copy of the staff report is attached for your consideration.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1999 November 5

**REPORT TO:** Mary Gallagher, Secretary  
Local Architectural Conservation Advisory Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** "Ballinahinch", 316 James Street South - Designated Property Plaque  
(PDC99136)

**RECOMMENDATION:**

That a Designated Property Plaque be approved for the property at 316 James Street South, known as "Ballinahinch" (designated under the Ontario Heritage Act in 1985).



**BACKGROUND:**

Two oval bronze plaques are available each year for buildings designated under the Ontario Heritage Act. Only one such plaque has been awarded this year to the former Tivoli Theatre on James Street North.

The stately stone mansion on James Street South known as Ballinahinch was originally built in 1849-50 as the residence for Aeneas Sage Kennedy, a Scottish dry goods merchant. Designed by William Thomas, the architect for St. Paul's Presbyterian Church, Ballinahinch is an outstanding example of a mid-19<sup>th</sup> century country villa, displaying both Italianate and Gothic features. It was converted to apartments in 1944 and to condominiums in 1980.

The condominium corporation for 316 James Street South has requested a Designated Property Plaque. This request was supported by LACAC's Research Sub-committee at its last meeting held November 1<sup>st</sup>.

Ec)

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** October 6, 1999

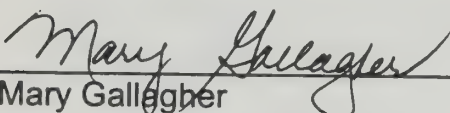
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Mary Gallagher, Secretary  
Local Architectural Conservation Advisory Committee

**SUBJECT:** Hamilton Psychiatric Hospital - Potential Sale (PDC99138)

#### RECOMMENDATION:

In accordance with the provisions of the provincial agreement between the Ontario Realty Corporation and the Ministry of Citizenship, Culture and Recreation, that a letter be sent from the Mayor to the Chair of Management Board of Cabinet to request that a heritage assessment of the whole site, as previously recommended by Ministry of Citizenship, Culture and Recreation (MCZCR) staff, be undertaken as soon as possible and before the property is declared surplus and offered for sale.

  
\_\_\_\_\_  
Mary Gallagher

Local Architectural Conservation Advisory Committee

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** n/a

#### BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held on Monday, November 8, 1999 approved the above noted recommendation. A copy of the Research Sub-Committee, a Sub-Committee of LACAC is attached for your consideration. In addition to this Sub-Committee Report, the LACAC Committee also requested that it be noted that this site is rich in aboriginal archeological resources.





**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1999 November 5

**REPORT TO:** Mary Gallagher, Secretary  
Local Architectural Conservation Advisory Committee

**FROM:** Jane Rigby, Chair  
Research Sub-committee

**SUBJECT:** Hamilton Psychiatric Hospital - Potential sale (PDC99138)

**RECOMMENDATION:**

In accordance with the provisions of the provincial agreement between the Ontario Realty Corporation and the Ministry of Citizenship, Culture and Recreation, that a letter be sent from the Mayor to the Chair of Management Board of Cabinet to request that a heritage assessment of the whole site, as previously recommended by MCZCR staff, be undertaken as soon as possible and before the property is declared surplus and offered for sale.

*Mina Chapple for JR*

**BACKGROUND:**

In May 1998, when MCZCR staff first learned that the HPH site was being considered for disposal, a letter was sent to the ORC Heritage Co-ordinator requesting that a heritage assessment of the whole site be undertaken but to date no action has been taken in this regard (copy of letter attached).

LACAC, at its September 13<sup>th</sup>, 1999 meeting, approved a central portion of the present HPH grounds including the *designated* Century Manor and three other buildings as worthy of designation under the Ontario Heritage Act as a *cultural heritage landscape* and has requested staff to undertake the research and prepare the Reasons for Designation.

Ontario Realty Corporation is the Ontario government agency that owns and manages provincially owned buildings and land. It has a duty to protect heritage resources on government property under the provisions of the Ontario Environmental Assessment Act. The ORC's Cultural Heritage Process protects a property's heritage significance until it is sold to a private individual or company. At that point, municipal protection in the form of designation under the Ontario Heritage Act and/or a heritage easement would have to be in place to ensure that significant heritage features are preserved once the property is sold. By agreement with MCZCR, ORC must consult with municipalities and local heritage organizations when it plans to sell a heritage property.

Architectural Conservation Note #10: "Ontario Realty Corporation, Municipalities and Heritage Properties" attached.



Cultural Programs Branch,  
Heritage Properties and Museums Programs Unit,  
2nd floor, 77 Bloor St. W.  
Toronto, Ontario, M7A 2R9

Ph: (416) 314-7128  
FAX: (416) 314-7175

William Gerrard  
Heritage Co-ordinator  
Institutional Environmental Services  
Real Estate Branch  
Ontario Realty Corporation  
15th Floor, 777 Bay St.  
Toronto, Ont. M5G 2E5

13 May, 1998

Re: Hamilton Psychiatric Hospital Site

Dear William,

I have heard that the Hamilton Psychiatric Hospital site is being considered for disposal in the near future. I have been contacted by the "Task Force to Save Century Manor" and will be meeting with them on May 20<sup>th</sup>.

The significance of Century Manor has been identified locally, however, if ORC intends to sell all or part of the site, a heritage assessment should be done on the whole property. There are other 19<sup>th</sup> century and later buildings, and cultural landscape features that may have significance. Both the Local Architectural Conservation Advisory Committee and I indicated the need for a wider study in 1994 when we were looking at the potting shed.

This study should take place as soon as possible. I would be happy to make a site visit to assist ORC in defining the areas that require study. Let me know if that would be helpful. Perhaps I could meet someone in the afternoon on the 20<sup>th</sup> of May. I would also like to review any terms of reference for a study when they are available.



Please let me know what process ORC will be following for this site.

Yours truly,

A handwritten signature in black ink, appearing to read "Marilyn Miller". The script is cursive and fluid.

Marilyn Miller  
Conservation Officer

cc Neil Ferris MCzCR, Chair of LACAC Hamilton



## Note #10

# Ontario Realty Corporation, Municipalities and Heritage Properties

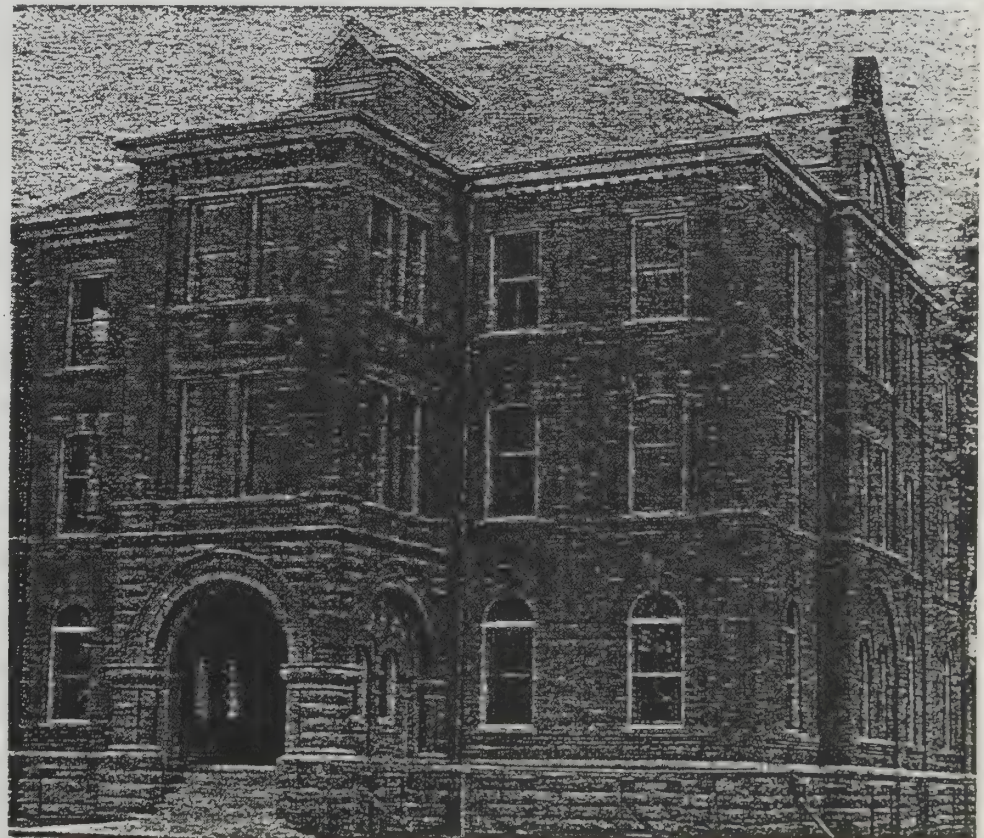
The Ontario Realty Corporation (ORC) often asks municipalities about properties the province owns or operates in their communities. This note will help local municipalities and Local Architectural Conservation Advisory Committees (LACACs) respond effectively to ORC inquiries.

ORC is the Ontario government agency that owns and manages "real property", buildings and land, for the government. It has a duty to protect provincially owned heritage resources (under the Ontario Environmental Assessment Act).

By agreement with the Ministry of Citizenship, Culture and Recreation (MCZCR), ORC must consult with municipalities and local heritage organizations when it plans to change a heritage property. Change could mean any number of activities, including:

- re-zoning
- altering, demolishing or adding to man-made features
- restoring or reconstructing built features
- leasing (when the lease changes how the property will be used)
- taking sites out of service and protecting them from damage when not in use (decommissioning)
- conducting surveys and explorations that disturb the substance of a building or site, and
- buying or selling property.

Lakeshore Psychiatric Hospital  
Etobicoke, Ontario





The ORC may maintain and repair property freely as long as it follows pre-set guidelines approved by MCZCR. (You can get a copy of these "Maintenance and Repair" guidelines from ORC or MCZCR.)

The ORC often seeks advice from municipalities and LACACs about property in their communities, as the ORC does not have an inventory of its heritage properties. When it plans a project, ORC starts by asking about the heritage value of a site and how it could affect the plans. ORC asks local authorities to identify the property's heritage value and suggest ways to avoid damaging its heritage features.

The ORC may ask your municipality or LACAC the following two questions, to which you have a choice of answers:

### **Q.1: Do you consider the property to have heritage significance?**

**Answer (A) Yes, the property has heritage significance.**

This applies if you think you could list the property in your local heritage inventory or recommend it be designated. In the answer, include the reasons why the property is significant.

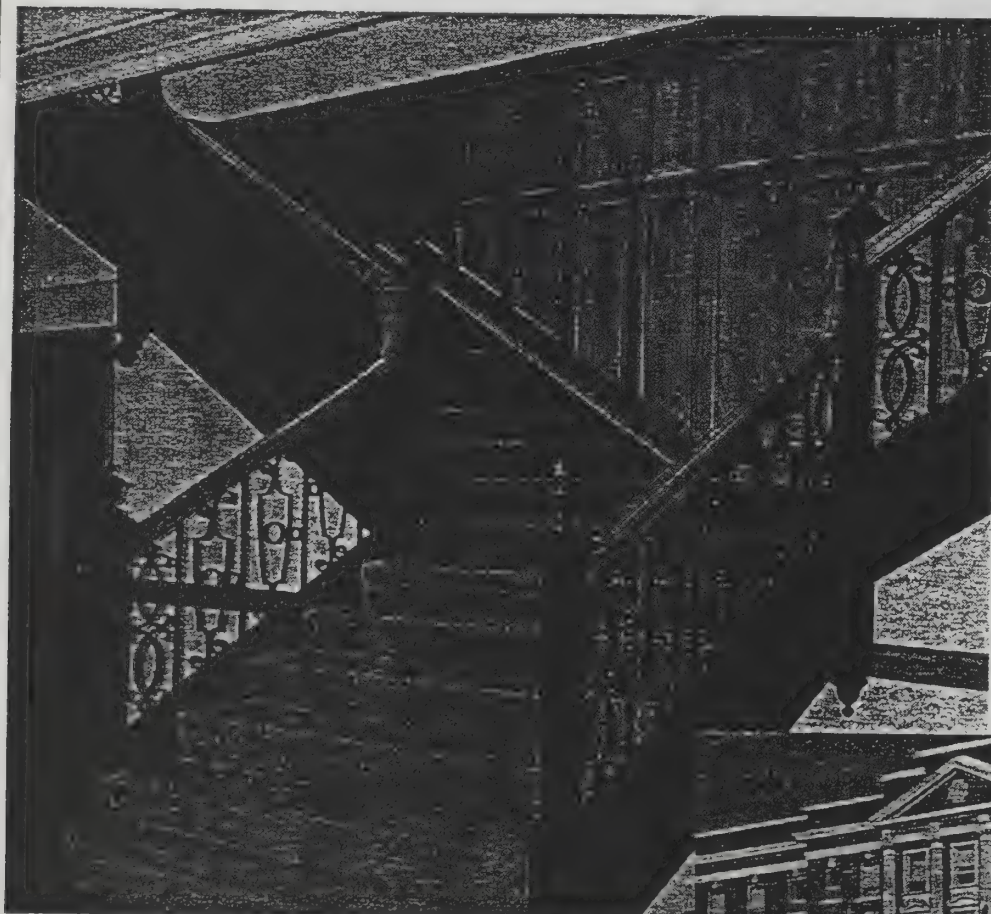
**Answer (B) No, the property does not have heritage significance.**

Reply this way if you have evaluated the property using an established evaluation system, and decided it does not merit listing or designation.

Or

**Answer (C) Don't know.**

This should be your answer if you do not have enough information to evaluate the property. If this is the case, the ORC will also contact MCZCR for an opinion.



**Thunder Bay Courthouse  
Thunder Bay, Ontario**



**Q.2: If the property does have heritage significance, do you feel ORC's plans would affect any factor that contributes to this significance?**

**Answer (A) Yes**

This is your answer if you believe the activity will affect any key aspect of the property. Please suggest ways to protect those heritage features, or to minimize the impacts if the project were to go ahead.

**Answer (B) No**

This will be your response if you believe the project will not affect any key aspects. This reply gives ORC your permission to proceed with the project.

Or

**Answer (C) Don't know.**

Give this reply if you do not have enough data to know whether the project would affect the property's heritage significance.

**Note:** If you answer "yes" or "don't know" to these questions, ORC will do a Heritage Significance Study and/or arrange some other way to protect the site.

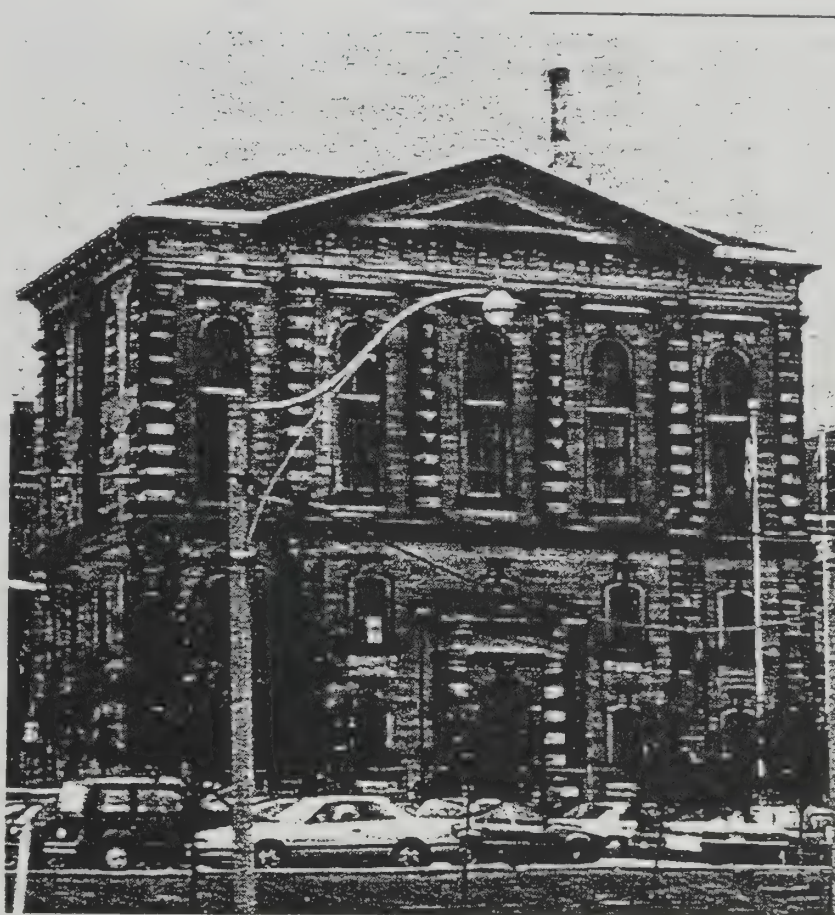
It is important that you give ORC as much relevant data as you can. For example, you may not know a

property's significance because you don't think you have enough data. However, you may have heard of an important local event or person associated with the site, or someone who has old photographs of it. Even this kind of evidence would help ORC.

The effect of a proposed alteration on a heritage building is something

LACACs know how to assess. But the effects of rezoning or selling a property are less obvious. ORC and MCZCR staff can help you get the information you need to help you make your decisions.

The ORC's Cultural Heritage Process protects a property's heritage significance until it is sold to a private individual or company. With early notice from ORC, you may want to arrange for municipal



**Don Jail  
Toronto, Ontario**



protection (e.g., heritage easement, designation, etc.)  
to take effect when a property changes hands.  
The ORC will work with you toward this aim.

Many properties of historic value may also contain  
archaeological remains. If you think this could be the  
case, please notify the ORC.

**If you have any questions please feel free to contact:**

**William Gerrard**  
*Heritage Co-ordinator*

**Institutional & Environmental  
Services**

**Real Estate Branch**

**Ontario Realty Corporation**

**15th Floor, 777 Bay Street**

**Toronto Ontario M5G 2E5**

**Tel: 416-585-7144**

**Fax: 416-585-6681**

**E-mail: gerrarw@mbs.gov.on.ca**

**Marilyn Miller**  
*Conservation Officer*

**Heritage Properties & Museums Programs**

**Cultural Programs Branch**

**Ministry of Citizenship, Culture  
and Recreation**

**2nd Floor, 77 Bloor Street West**

**Toronto, Ontario M7A 2R9**

**Tel: 416-314-7128**

**Fax: 416-314-7128 15**

**E-mail: marilyn.miller@mczcr.gov.on.ca**

This conservation note may be reproduced without permission or penalty. Credit to the Ministry of Citizenship, Culture and Recreation would be appreciated.

August 1998

F.

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** November 17, 1999

**REPORT TO:** Alderman F. D'Amico, Chairperson & Members,  
Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:** Information Items

**RECOMMENDATION:**

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Federation of Canadian Municipalities re: Brownfields dated November 1, 1999
- (b) General Manager, Social and Public Health Services Division re: Residential Rehabilitation Assistance (HSB99008) dated November 9, 1999
- (c) Secretary LACAC re Minutes of the meeting held October 4, 1999 dated November 11, 1999
- (d) General Manager, Community Planning and Development Division re: The Condominium Act, 1998 – Highlights of the Key Features (PDC99127) dated October 29, 1999
- (e) General Manager, Community Planning and Development Division re: 195 Ferguson Avenue North – Implementation of the Wesley OMB Decision (third report) (PD99088A) dated November 2, 1999
- (f) General Manager, Community Planning and Development Division re: Approved Site Plans dated November 5, 1999

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

*T. Agnello*





CAY ON HBL AOS  
C 51P4  
1999

URBAN  
MUNICIPAL



Urban Municipal Collection  
2nd Floor  
Hamilton Public Library

## NOTICE OF MEETING

### SPECIAL PLANNING AND DEVELOPMENT COMMITTEE

Tuesday, November 30, 1999  
4:00 o'clock p.m.  
Room 233, City Hall

Tina Agnello, Secretary  
Planning and Development Committee

### AGENDA

1. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT

Enforcement of Regulations under the Building Code Act and The Planning Act  
(Verbal Update)

2. ADJOURNMENT

Dinner to follow in Rm. 264 at 5:00 p.m.





CAY ON HBL A05

C51P4

1999



Urban Municipal Collection  
2nd Floor  
Hamilton Public Library

**URBAN  
MUNICIPAL**

**NOTICE OF MEETING**

**SPECIAL PLANNING AND DEVELOPMENT COMMITTEE**

Friday, December 3, 1999  
11:30 o'clock a.m.  
Council Chamber, City Hall

Tina Agnello, Secretary  
Planning and Development Committee

**AGENDA**

**URBAN MUNICIPAL**

**DEC 02 1999**

**GOVERNMENT DOCUMENTS**

1. **PRESENTATION**

Joe Berridge, "Reinvesting in Cities- What the Competition is Doing".

(a) Article which appeared in the Globe and Mail, June 7, 1999

2. **ADJOURNMENT**



(a)

## Toronto Reconsidered: Planning for the next century

### There's no need to sit and wait for a handout

#### An urban planner presents a bold scheme for injecting vitality into a dormant city

Monday, June 7, 1999

JOE BERRIDGE

Special to The Globe and Mail

Nearly every Monday morning, someone from our company has to wait in an enormous lineup at Pearson International Airport to go through U.S. immigration. They are not alone.

The Greater Toronto Airport Authority reports that, since the North American free-trade agreement was signed, air travel across the border has increased at almost double the rate of traffic within Canada. It's a visible symptom of the fact that Toronto's economy is becoming North Americanized.

Business in the Golden Horseshoe not only accounts for half of the province's economy -- and almost one-third of the nation's -- it is very heavily based on exports.

Half of the United States' consumer market and more than half of its manufacturing firms are within one day's trucking distance, so it comes as little surprise that more than 90 per cent of the exports go south.

Canada, meanwhile, offers Toronto little room for growth. The city is already home to more than half of the country's corporate head offices, all five major banks and the Toronto Stock Exchange, which processes 89 per cent of the nation's stock transactions.

So here's the paradox: Toronto can help to keep Canada economically dynamic only through greater integration with the U.S. economy. To do so, however, it must go head to head with some very substantial cities south of the border that are in the midst of a renaissance spurred by massive reinvestment.

At the moment, Toronto is the continent's third or fourth most important financial centre, its second biggest live-theatre location and second or third in film production. Its universities, particularly the associated medical research institutions, compete continually for staff and research funds with the best in North America. The automotive sector remains a major pillar of the regional economy, directly responsible for one in every six jobs in the greater Toronto.

To maintain our ranking in any of these areas -- in the face of well-capitalized U.S. urban competition -- will require both a strategy and a scale of public and private financial investment not now evident.

The recent debate over bank mergers captured the need for a new concept of Toronto's future. If the goal is to ensure continuing bank competition within Canada, mergers are a



bad thing. However, if the goal is to have the city play a role in global financial affairs, they're probably essential.

A similar future confronts the TSE. Rationalizing the responsibilities of Canadian stock exchanges is a sensible thing to do, but for Toronto to have a stock market of any significance outside the country will require a much more ambitious strategy, possibly including mergers with foreign exchanges to create something that can counter the power of New York.

Similar strategic choices, between a strictly Canadian interest and those of a global city-region, face Toronto with respect to airlines and telecommunications.

Considering that it has invested so little in itself for a decade, Toronto has done remarkably well.

We have been lucky -- a relatively young postwar city in infrastructure terms still well served by a legacy of good public investment in the 1960s and 1970s.

We have been the peaceable kingdom. Without underplaying the historical social tensions in U.S. cities, part of the reason for their precipitous decline in the 1970s and 1980s is that they were just a generation older than we were. The deadly combination of deferred maintenance and aging physical plant that laid them low is now emerging in Toronto.

The City of Toronto's ability to meet its operating obligations, let alone new capital initiatives, is extremely limited. The consequences of this financial straitjacket are increasingly evident:

The Toronto Transit Commission operates on a budget that keeps it at the edge of consumer tolerance. Measures to increase transit use can't be contemplated.

The condition of roads and bridges steadily deteriorates: In 1997, the city's works department estimated \$40-million in essential rehabilitation had been deferred.

The budget seems to have no room for water-quality or environmental improvement.

If the greater Toronto area is slipping behind in maintaining basic services, it can hardly match its competitors' investments in infrastructure and urban regeneration.

In a recent report, the Board of Trade provided a useful list of transportation initiatives it recommends for the city-region's economic health. They included the development of better links to the airports, the use of Union Station as an integrated transit terminal and the radical upgrading of the intraregional transit system.

Such initiatives are very much the kind of projects financed by senior governments in the United States and Britain. Whether these are the right proposals (they certainly are a good start) is less important than acknowledging that at present we have no way to undertake any of them.

With respect to urban regeneration, there is little room to intervene in areas trapped in redundancy or decay by regulatory, jurisdictional and ownership tangles, or to assist areas that have become traps for the disadvantaged.

A cold-eyed look at our urban region reveals a large and increasing number of such districts. The port, the older industrial sections of Scarborough and Etobicoke, the arterial corridors of the inner suburbs, parts of the east downtown, the cores of older urban centres now incorporated in the city region, the concentrations of public housing, the decaying stock of 1960s apartment buildings -- all of these border on the spiral of decline once so visible in U.S. cities.

Sadly, we have few if any infrastructure projects that speak to the city-region's future (other than the vital plans for the airport) that can get under way this decade.

At best, all of our future infrastructure hopes seem tied to a bid for the Olympic Games. We are in the odd situation in which our urban competition has become interventionist, while we remain locked in a neoconservative mindset, suspicious of any public expenditure.

We could, of course, decide not to compete, keep cutting capital budgets and trimming services, making no big or bold moves, as we have been doing now for more than a decade. Many once-great cities have declined to purely regional stature: Liverpool, Bordeaux, Detroit, St. Louis, Philadelphia and Montreal. The social and cultural cost will be enormous. Our children will not live here.

The second option is to wait for the great bailout, for major urban funding from the federal and provincial governments. In both Britain and the United States, the national governments have taken the lead in urban regeneration.

The rationale behind that commitment is as true for Canada's big cities, but the hard facts on the ground are that we are very unlikely to get an equivalent response.

In any event, we cannot afford to wait. If there is anything to learn from the U.S. and British experiences, it is that the collective costs of deferred maintenance of the urban economy can be irreversible.

We must seize the initiative ourselves. After all, Statistics Canada reports that in many respects Torontonians are better off than residents of "non-urban" Canada (the rest of the country minus Vancouver and Montreal). We make more money (an average annual household of \$60,110 versus \$46,405) and are more likely to be university educated (18.8 per cent of us have degrees versus 14.5 per cent elsewhere).

If we're so smart and so rich, why is our city is broke?

The fundamental strategic goal for the Toronto area must be to become financially self-sufficient, not only from an operating perspective, but generating a significant proportion of the capital requirements for new investment.



We need a strategic vision that defines Toronto's needs as a North American and global city in the same way that our competitors have been doing so effectively. Three questions should be asked about any new capital project for it to become a priority:

Will it increase the city or region's productivity and competitiveness?

Will it improve citizens' long-term quality of life?

Can it be financed largely on a user-pay basis?

Productive investment has to be distinguished from mere municipal consumption. Indeed, rather than more roads and sewers and recreation centres, Toronto's most important new infrastructure priorities could be a new freeway to the U.S. border for trucks only, a new department of bioengineering at the University of Toronto, and ensuring the future for embattled Livent Inc.'s theatrical presence here.

We also have to decide what activities the city-region should *not* finance off the tax base, scrutinizing all the operating municipal service businesses -- electricity, water and waste water, garbage, transit -- and creating new organizations largely able to meet their own needs.

Toronto is one of the few world cities that still operates these services as main-line businesses. The ability to use the very substantial asset values and cash flows of these municipal businesses is perhaps the only financial option to provide the city-region with what is unlikely to be obtainable from other sources: its own pool of reinvestment capital.

Such an urban infrastructure fund would have remarkable leverage potential, both from public-sector pension funds and from other private-sector institutions.

The federal and provincial governments could greatly assist the effectiveness of such a fund by granting it the tax exemptions, depreciation and tradable tax credits characteristic of U.S. cities. Asking for "soft" tax money might be a lot more palatable than requesting grants, especially in a post-deficit public-accounting world. Such techniques have been thoroughly tested by other cities and, while largely foreign to the Canadian and Ontarian fiscal traditions, are commonplace in our real urban economic environment.

Toronto also desperately needs the management capacity for urban regeneration that is characteristic of every other world city. We have no development corporations for public-private projects comparable to the agencies typically responsible for transforming waterfront and industrial lands in U.S. and British cities. That Toronto may have had some less-than-perfect experience with such agencies in the past is no reason to avoid the challenge now.

Finally, Toronto cannot remain a competitive global city without the active involvement of the business, financial and voluntary sectors.

All successful cities have broadened the constituency committed to productive management of their urban future beyond the narrow framework of homeowner-based local politics. Without such business intelligence and community resources, no effective

reinvestment plan can be realized. How we achieve this may be Toronto's biggest challenge.

*Joe Berridge is a planning consultant and partner in Urban Strategies Inc. This article is adapted from his remarks at a forum on the city's new official plan and from his company's recent report, Re-investing in Toronto: What the Competition is Doing, published by the Canadian Urban Institute.*





# **Toronto Reconsidered: Planning for the next century**

## **The rebirth down south: How they pull it off**

### **Public-private alliance and a clear game plan**

Monday, June 7, 1999

Toronto falls within the region of North America that is defined by four metropolises -- Boston, New York, Washington and Chicago -- and includes many mid-sized cities, such as Philadelphia, Cleveland, Detroit and Pittsburgh.

It is a very crowded urban universe and one that no longer conforms to Canadians' comfortable view of the dysfunctional U.S. city.

A major urban transformation is under way, fuelled by the extraordinarily strong U.S. economy and, more important, made possible by large-scale, focused reinvestment strategies.

Urban crime and unemployment rates are in steep decline, a cadre of extraordinarily impressive and powerful urban mayors has arisen, and the notion of what makes a good city has been transformed. As a result, Chicago has better urban forests, New York City cleaner, better parks and subways, Boston and San Francisco richer waterfronts, and all have more impressive financial districts.

Spanking new airports abound. Boston, Seattle, Portland, San Francisco and New York have taken down their versions of the Gardiner Expressway. Nearly every large city is involved in a major transit initiative. All are building housing downtown and investing heavily in the arts and culture.

### **Looks count**

This city-building energy is infused with an understanding that good architecture and urban design are the connective tissue of the information economy. Appearance is everything. Being a city that works isn't enough -- you also have to be the city that looks good.

As part of its urban planning work in many of these cities, our company looked at 14 major U.S. cities to catalogue where, what and how they had invested in the 1990s.

Each has spent, on average, about \$263-million (U.S.) a year for the past decade on attractions, infrastructure, amenities and development assistance in their downtowns and central waterfronts.

In the same period, Toronto's downtown and central waterfront areas saw about \$54-million in annual investment, including projects such as the convention centre expansion, the National Trade Centre, CBC headquarters, the Spadina light-rail transit line, and expansions at the Art Gallery of Ontario and the Royal Ontario Museum.



So, Toronto is investing at about one-fifth the rate of its civic competitors.

The primary source of public funds for the regeneration of U.S. cities is the federal government, although a multitude of urban programs exist at the state and local levels as well.

The single largest infrastructure investment program in the United States is the Transportation Equity Act for the 21st Century. A six-year program now in its first year, TEA-21 has a total budget of \$217-billion, equivalent to one-half the Canadian national debt.

### **Federal grants**

The federal government is also strongly involved in other areas of urban investment in programs such as the Community Development Block Grant -- a multipurpose urban regeneration program and other programs for new mixed-income housing and for the revitalization of existing public housing.

These are all "new urbanist" programs -- their regulations having a strong anti-sprawl, pro-intensification, mixed-use, transit-oriented, green, urban quality. They sound a lot like all of the planning documents ever written in Toronto with one exception -- they have major capital funding behind them.

A U.S. urban area the size of the greater Toronto area could expect to receive \$243.5-million annually under these programs, excluding funding for individual urban transportation megaprojects like those under way on the Boston, San Francisco and New York waterfronts.

The way U.S. cities have organized themselves for this reinvestment program is also distinctive. Regeneration agencies, rather than City Hall, assume direct decision-making authority.

Elected officials, even if the city owns the assets involved, are usually in a minority on such boards. Majority membership generally consists of senior personnel from major corporations, financial institutions and the voluntary sector.

In Toronto, this kind of corporate engagement is peculiarly absent.







*2nd floor*

CAY ON HBL AOS  
C 51P4  
1999

**NOTICE OF MEETING**

URBAN MUNICIPAL

**PLANNING AND DEVELOPMENT COMMITTEE**

DEC 13 1999

**Wednesday, December 8, 1999**

**9:30 o'clock a.m.**

**Room 233, City Hall**

GOVERNMENT DOCUMENTS

*Tina Agnello*

**Tina Agnello, Secretary  
Planning and Development Committee**

**AGENDA**

**PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

1. CI-99-B, Deletion of "Public Parking Lots" as a Permitted use in the Downtown Area and "CR" (Commercial/Residential) Districts (PDC99134)

**Submissions:**

- (a) Cathy Wiegand, Downtown Hamilton BIA
- (b) Alan Marshall, Martin and Hillyer, 2122 Old Lakeshore Rd, Burlington
- (c) Michael Weinberg, 756 Spadina Rd. Toronto
- (d) Greg Fraleigh, 1 Hamilton Street South, Waterdown

2. ZA-99-35, by The Rosslyn for 1320-1322 King Street East (PDC99152)

3. **CONSENT AGENDA**



4. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT DIVISION

- (a) Guideline for Identification, Assessment and Remedial Work Related Work Related to Problems in Masonry Buildings (PDC99075)
- (b) Planning Application fees (PDC99155)
- (c) Streamlining of Land Development Approvals Processes (PDC99153)

5. OTHER BUSINESS

6. ADJOURNMENT





## PLANNING AND DEVELOPMENT COMMITTEE OUTSTANDING LIST

| No  | Item  | Original Date     | Action  | Status                     |
|-----|---|-------------------|---|----------------------------|
| 1.  | Hamilton Harbour Land Use   | 1997 February 19  | Staff report on site plan control procedures and incineration as a use on Harbour Lands | Report forthcoming         |
| 2.  | Boulevard Policy for New Subdivisions   | 1997 July 2       | Staff directed to prepare report  | Report forthcoming         |
| 3   | Licensing of New Hazardous Waste Sites  | 1997 August 20    | Referred to Planning and Law Department Staff for report                                | Pending                    |
| 4a. | Radial Separation for residential and short term Facilities                                     | 1998 December 2   | Staff to prepare report   | Report Pending             |
| 4b. | Detention centre as use in H district   | 1998 December 2   | Staff to prepare report   | Report pending             |
| 4c. | Referral from Committee of the Whole- Increase in Beds or Services at 94 York Blvd.             | February 17, 1999 | Tabled pending staff report   | Report Forthcoming         |
| 5.  | Request for Parkland Credit-Starward Homes and development of Policy regarding Stormwater Ponds | 1998 December 2   | Staff to prepare a report   | Report Pending             |
| 6.  | Review of Derelict Buildings  | Aug 11, 1999      | Staff to prepare a report   | Report Forthcoming         |
| 7.  | ZAC-99-20, 1359 Upper James Street  | Aug 11, 1999      | Tabled  | To come back Sept 22, 1999 |
| 8.  | East Mountain Industrial Business Park Neighbourhood Plan                                       | Aug 11, 1999      | Tabled in order to resolve concerns   | Tabled                     |
| 9.  | Spallacci Property King Street East   | October 6, 1999   | Direction to staff to enter into discussions with owner to demolish the building        | Report Pending             |
| 10. | Imperial Building 75 Hughson St. S. Demolition for Open Space                                   | October 20, 1999  | Tabled  | Tabled                     |

December 1, 1999



1.

CITY OF HAMILTON  
- RECOMMENDATION -

**DATE:** 1999 November 19  
CI-99-B

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Deletion of "Public Parking Lots" as a Permitted Use in the  
Downtown Area and "CR" (Commercial/Residential) Districts  
(PDC99134)

**RECOMMENDATION:**

A. That approval be given to City Initiative 99-B for modifications to Zoning By-law No. 6593 to delete "**Public Parking Lots**" as a permitted use for those lands located in the Downtown Area, as shown on the attached map marked as APPENDIX "A", and from the "CR" (Commercial-Residential) Districts throughout the City, on the following basis:

(i) That Section 2.(2)D.(iii) of Zoning By-law No. 6593 be amended by:

- (1) adding the word "**,structure,**" between the words "building" and "or" in the first line;
- (2) deleting the word "**,of**" between the words "only" and "motor driven" in the second line;
- (3) deleting the words "**pursuant to previous arrangements and not to transients**" in the third and fourth lines;

so the entire clause reads as follows:

"**Garage, Storage**" shall mean a building, **structure**, or portion thereof used for housing only motor-driven vehicles, and where fuels and lubricants are not sold, and motor-driven vehicles are not equipped for operation, repaired, hired or sold;

(ii) That Section 14.(1)(viii) of Zoning By-law No. 6593 be amended by:

- (1) deleting the words "**or a**" between the words "bath" and "theatre" in the last line and replace with a comma;



- (2) adding the words **“or a public parking lot located in the area shown on Schedule “N”.**” at the end of the clause;

so the entire clause shall read as follows:

**“Any commercial use permitted in an “E” or “G” District without a limitation on the number of employees except a massage parlour, public bath, theatre, or a public parking lot located in the area shown on Schedule “N”.**”

- (iii) That Section 15.(1)(ii) of Zoning By-law No. 6593 be amended by:

- (1) deleting the word **“and”** in the last line and adding a comma;
- (2) adding the phrase **“or a public parking lot located in the area shown on Schedule “N”** at the end of the clause so the entire clause shall read as follows:

**“Any commercial use which is permitted in a residential district or other commercial district except a penny arcade, a third party/billboard sign, or a public parking lot located in the area as shown on Schedule “N”.**”

- (iv) That Section 15A.(1)(xvii) of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following clause:

**“Parking spaces, or a storage garage;”**

- (v) That Section 15B.(3)(b)17. of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following clause:

**“Parking spaces, or a storage garage;”**

- (vi) That Section 15B.(3)(b)20. of Zoning By-law No. 6593 be deleted in its entirety;

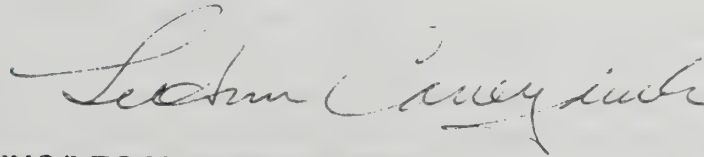
- (vii) That Section 15B.(21) of Zoning By-law No. 6593 be amended by deleting the phrase **“(Shall not apply to a public parking structure)”** at the end of the clause;

- (viii) That Section 15B.(23) of Zoning By-law No. 6593 be amended by deleting the phrase **“(Shall not apply to a public parking structure)”** at the end of the clause;

- (ix) That Section 22 RESTRICTED AREAS BY-LAWS REPEALED of Zoning By-law No. 6593 be amended by adding the attached APPENDIX “A” as **SCHEDULE “N”**;

- (x) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and

- (xi) That the proposed text amendments are in conformity with the Official Plan for the Hamilton Planning Area.



#### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by The Planning Act, Council shall hold at least one Public Meeting to consider a Zoning By-law Amendment.

#### BACKGROUND:

- Planning & Development Committee

At its meeting of April 7, 1999, the Planning and Development Committee considered a report respecting the deletion of "Public Parking Lots" as a permitted use in the Downtown Area, and approved the following:

"That staff be directed to give Notice of a Public Meeting for consideration of City Initiative 99-B respecting a general text amendment to Zoning By-law No. 6593 to delete "Public Parking Lots" as a permitted use in the Downtown Area and in "CR" (Commercial/Residential) Districts throughout the City, as shown on the attached map marked as APPENDIX "A".

Previously, at its meeting of March 24, 1999, members of the Committee expressed concern about the demolition of commercial buildings and the establishment of public parking lots in the Downtown Area. The recent demolition of 39 James Street South and the submission of applications for a Demolition Permit and Site Plan Approval for 25 Hughson Street South were cited as examples.

- CI-94-D

The Planning and Development Committee, at its meeting in August 1993, approved the recommendation of CAPIC **"to undertake a City Initiative to delete 'Public Parking Lots' as a permitted use from all zoning districts, except "G-3" (Public Parking Lots) District."**

On October 5, 1994, a Public Meeting of the Planning and Development Committee was held to consider the City Initiative. Following discussion, staff were directed to set up an Ad-hoc Committee so that staff could meet with the various interest groups to review this matter further before a recommendation was considered by Committee (see Appendix "C").



Subsequently, the Planning and Development Committee, at its meeting of 1995 January 25, received for information a report from the Ad-hoc Committee and agreed not to take further action at the time (see APPENDIX "D").

- **Parking Supply**

An inventory of parking lots in the Downtown Area was undertaken by the Community Planning and Development Division. As illustrated on APPENDIX "B", there are 18 Public Parking Lots and 40 Private Parking Lots within the Downtown Area. Also, there are numerous lots adjacent to or within proximity to the boundaries of the Downtown Area.

Based on information provided by the Hamilton Parking Authority, a total of 3,218 parking spaces are provided in the 18 Public Parking Lots. Furthermore, the Department of Public Works and Traffic has advised that there are 823 on street metered parking spaces within the Downtown Area.

With respect to the 40 Private Parking Lots, there is no record of the number of spaces provided per lot. However, it is estimated that there are approximately 3,466+ spaces. This was derived by taking the total lot area for the lots from assessment data (30.14 ac.) and multiplying it by a factor of 115 spaces/acre (from DA-99-13). It is assumed that this number is on the low side because it does not take into account the practice of stacked parking, or the new landscaping requirements as applied to the approval of DA-99-13.

Parking rates for numerous lots in the Downtown Area are as low as \$2.00 - \$3.00 a day, which is indicative of an oversupply.

## **COMMENTS:**

1. In 1993, the Planning and Development Department identified an emerging trend in the downtown which involved the demolition of buildings and the establishment of parking lots (e.g. Zellers building, Robinsons building, Dare factory, etc). With the recent demolition of the Canada Permanent Building at 39 James Street South, and the proposed demolition of the Imperial Building at 25 Hughson Street South combined with a Site Plan Application (DA-99-17) for a proposed 16 space parking lot, these concerns have resurfaced.

The original staff report of 1994 September 28 respecting the Deletion of "Public Parking Lots" as a Permitted Use in the Downtown Area and "CR" (Commercial/Residential) Districts is attached as APPENDIX "E", and the recommendations are still considered appropriate.

2. At its meeting of August 18, 1999, the Planning and Development Committee received the "Downtown Secondary Plan Design Strategy" as prepared by Urban Strategies Inc. and directed staff to incorporate the strategy into the Secondary Plan.

This document sets out a design strategy for the revitalization of Downtown Hamilton, and will be used as a background document to the new Downtown Secondary Plan. With respect to parking, Section 4.6 **PARKING STRATEGIES** states in part, the following:

**"Downtown Hamilton has an extensive supply of parking within easy access to major office buildings and entertainment attractions. Unfortunately, most of this supply is located in a large ring of parking lots which cut downtown off from its surrounding neighbourhoods (Illustration 14). Within this ring, street edges are frayed and neglected, there are few opportunities for street life, and little attraction for pedestrians.**

**In creating a downtown parking strategy, the City's first action should be to prohibit the creation of new surface parking lots throughout the downtown core..."**

Furthermore, Section 7 **IMPLEMENTATION**, sets out a series of strategies which are intended as a guide to the City "toward realizing the new vision for the downtown", including the following on parking:

- "3. Surface parking lots do not contribute positively to the downtown. New surface parking lots that cover an entire site should not be a permitted downtown land use.**
- 4. A priority should be placed on returning the valuable land currently used for surface parking into productive use.**
- 5. An annual target of public parking spaces for downtown should be established."**

In September of this year, Regional Council approved the work program for the Downtown Transportation Plan. This plan will build on the work of the Design Strategy and, as part of the work program, develop a recommended parking strategy for downtown Hamilton which will address parking supply and location of parking lots. The strategy will be tied to the recommended land use and densities from the Design Strategy. In this regard, the parking strategy will be used as part of the implementation of the Downtown Secondary and Transportation Plan. Approval of this initiative would be supportive of these strategies.

- 3. As identified in the 1994 staff report, the removal of public parking lots as a permitted use does not imply that no additional surface parking lots will be permitted. Rather, it is considered appropriate that such uses be the subject of a rezoning so the City can evaluate each proposed parking lot on its own merits.

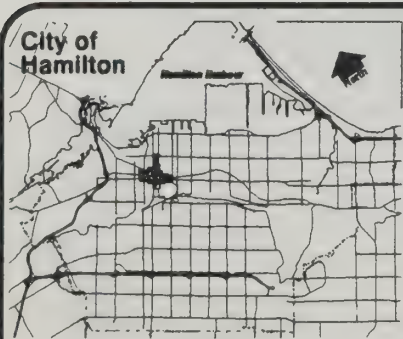
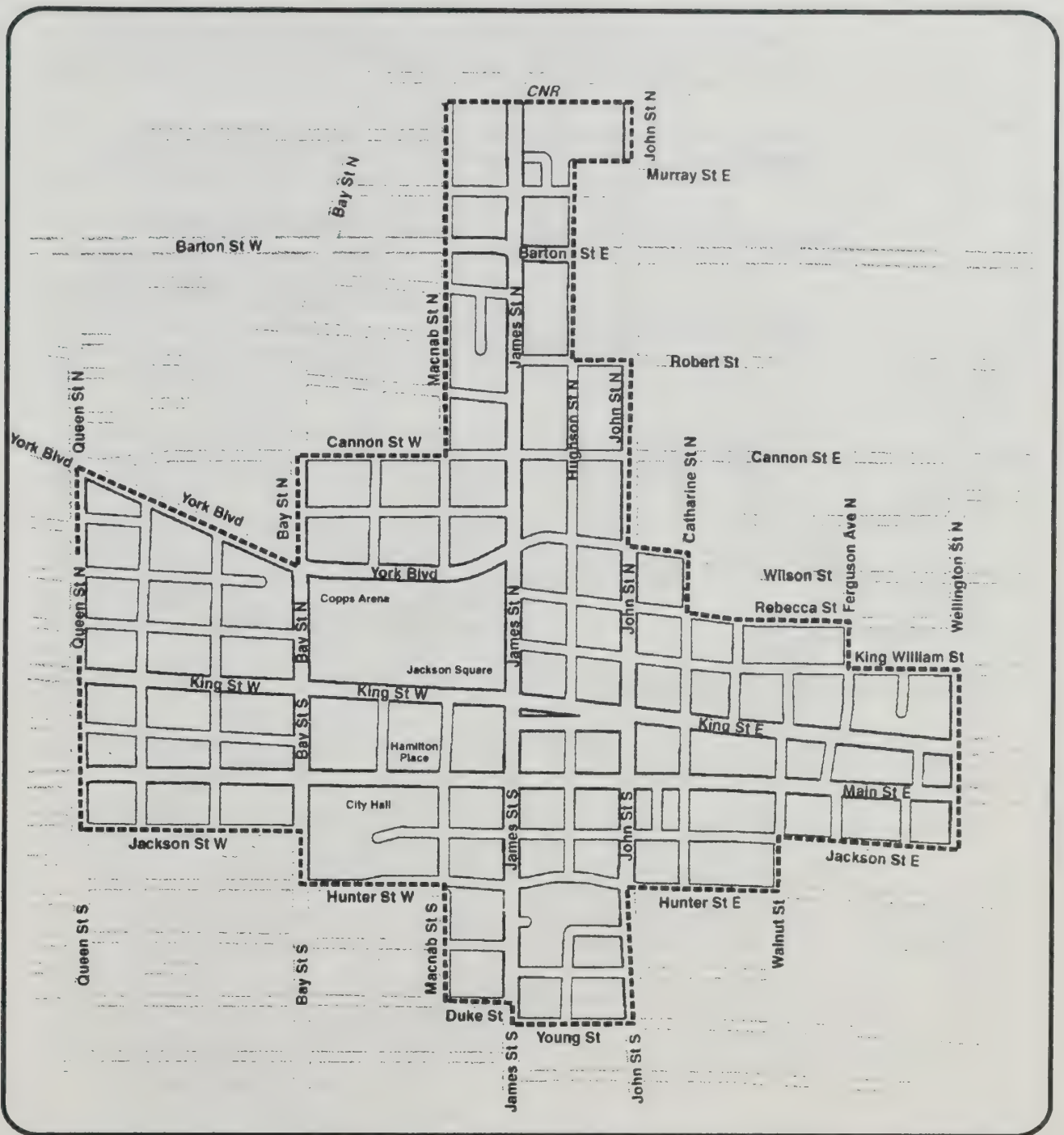


With respect to the existing parking lots, they will become legal nonconforming.

**CONCLUSION:**

Based on the foregoing, it would be appropriate to delete public parking lots as a permitted use in the Downtown Area as well as the "CR" (Commercial/Residential) Districts throughout the City.

PDM



## COMMUNITY PLANNING AND DEVELOPMENT DIVISION

### Legend

Public parking lots not permitted within this area

Reference file:  
**CI-99-B**

Scale  
**Not to Scale**

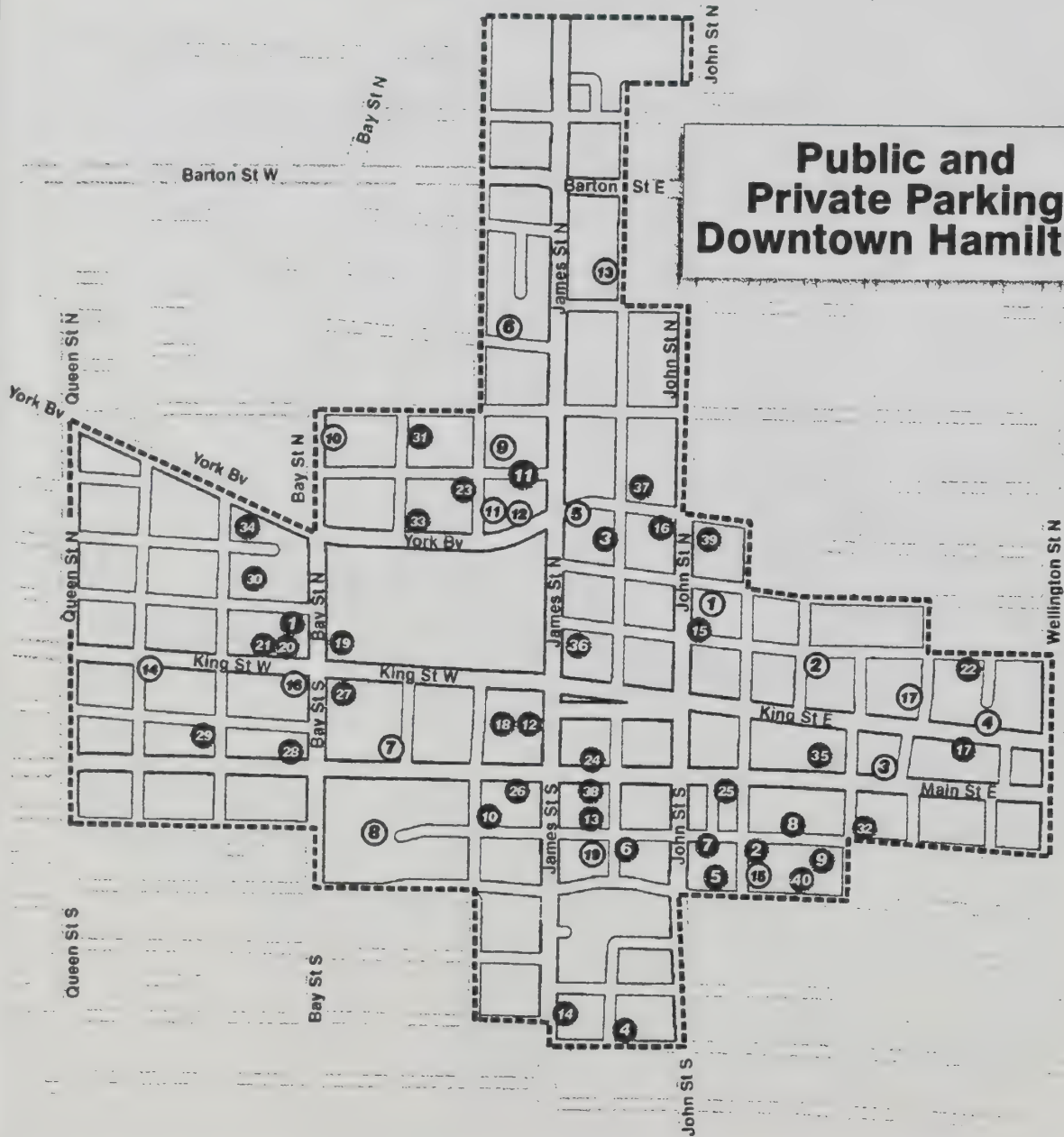
Date  
**Nov., 1999**

Technician:  
**D.L.**

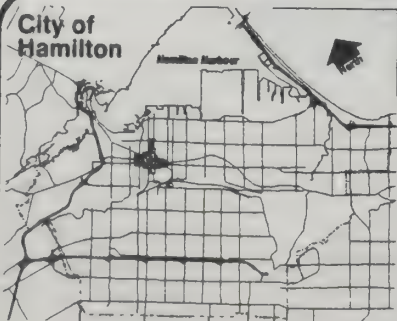
**Appendix "A"**

Source: Hamilton Parking Authority and Licensing Division

# Public and Private Parking Downtown Hamilton



City of  
Hamilton



## COMMUNITY PLANNING AND DEVELOPMENT DIVISION

### Legend

- Public Parking Lots
- Private Parking Lots
- Study Area

Reference file:

**CI-99-B**

Scale

**Not to Scale**

Date

**Nov., 1999**

Technician:

**D.L.**

**Appendix "B"**

Source: Hamilton Parking Authority and Licensing Division



PLANNING AND DEVELOPMENT COMMITTEE MEETING  
OCTOBER 5, 1994

4. City Initiative 94-D, for a general text amendment to the City of Hamilton Zoning By-Law No. 6593, respecting public Parking Lots in the Downtown Area and "CR" Districts throughout the City

The Committee was in receipt of a report dated 1994 September 28 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Joanne Hickey-Evans, Planning Department, made a presentation with respect to this report.

Alderman McCulloch suggested that the Committee receive the report as presented but set up an Ad-hoc Committee so that Staff could meet with various interest groups to review this matter further before a recommendation is considered by the Planning and Development Committee.

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The following residents were in attendance to express their concerns regarding Staff's recommendation to delete public parking lots as permitted uses in the downtown area and in "CR" (Commercial/Residential) Districts:

Greg Fraleigh, 1878 Centre Road, R.R. #2, Hamilton  
Todd Fraleigh, 283 Park South, Hamilton  
Don Logan, Philpott Memorial Church, 84 York Boulevard, Hamilton  
Glen Chambers, 20 Hughson Street South, Hamilton  
Earl Cranfield, 20 Hughson Street South, Hamilton

The Committee was also in receipt submissions from the following respecting this matter:

- a) Philpott Memorial Church - letter dated 1994 October 4
- b) Eric Grove, 188 Buckingham Drive, Hamilton - letter dated 1994 October 2

After considerable discussion, the Committee approved the following:

That an Ad-hoc Committee, consisting of representatives from the following, be established to study the Planning and Development Department's proposal to delete public parking lots as permitted uses in the downtown area and the "CR" (Commercial/Residential) Districts throughout the City:

Central Area Plan Implementation Committee  
Downtown Hamilton Business Improvement Area  
International Village Business Improvement Area  
Real Estate Board  
Hamilton Parking Authority  
Owners of Parking Lots in these areas  
Philpott Memorial Church  
Staff (Planning, Roads, Building and Traffic Departments)  
Any other individuals/groups that Staff deem appropriate

Staff were directed to set up the Ad-hoc Committee and to keep the Planning and Development Committee apprised of the progress of the same.

APPENDIX "C"



# MEMORANDUM

APPENDIX "D"



CITY COUNCIL

CITY HALL  
71 MAIN STREET WEST L8N 3T4  
(905) 546-2730

FAX: (905) 546-2535

HOME  
17 ROBINSON STREET (P5) L8P 1Y6  
(905) 525-6847

1995 January 5

Chairman and Members  
Planning and Development Committee,

**Deletion of "Public Parking Lots"  
in the Downtown Area (and in all CR Districts)**

At the request of the Planning and Development Committee a meeting of all interested parties was held in City Hall on Thursday, January 5, 1995 to review the proposal to delete public parking lots as a permitted use in the "CR" Districts and for all lands located in the downtown area.

A list of the attendees is attached.

Ms. Joanne Hickey-Evans gave a complete review of the proposal tracing it's history back to the Central Area Plan and Vision 2020. She then went into details of the proposed zoning change and what would be involved.

There were a number of questions raised as to the process of having the empty lots rezoned back to parking if this zoning change were to be implemented. How having empty lots served no useful purpose at all and would not enhance the downtown situation, etc.

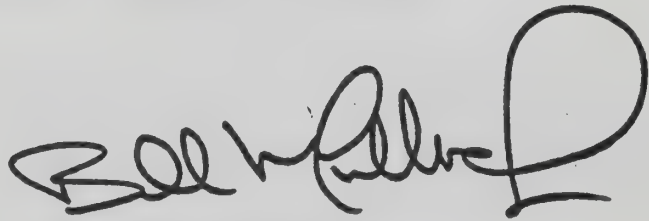
Overall, it was a positive meeting of genuinely interested business persons prepared to do anything that would turn around the lamentable situation in the core area.

But, the unanimous recommendation coming from this ad hoc committee was that the proposed changes would not in any way enhance the redevelopment of the downtown. At the same time leaving empty, unused, rubble strewn sites throughout the downtown would create a further deteriorated effect.

In fact, at this point in time it would only exacerbate the uncertainty of landowners and investors if there was this added control in the use of their properties.

The group would be more than prepared to review this matter again as part of any overall proposals for the redevelopment of the Downtown but this should follow after much more significant changes such as re-assessment of downtown properties and the upswing in commercial and retail business.

Therefore, it is strongly recommended that no action be taken now or in the near future to introduce the zoning amendments proposed to delete public parking lots in the core area; and, if and when the matter is to be reconsidered an ad hoc committee similar to this one be called to review the proposals in the light of the then current situation before it comes back to the Planning and Development Committee.



William M. McCulloch  
Chairman  
Ad Hoc Committee  
Deletion of Downtown Parking Lots

WM:jc



# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1994 September 28  
(CI 94-D)

**REPORT TO:** Charlene Touzel, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

Mr. V. J. Abraham  
Director of Local Planning

**SUBJECT:** Deletion of "Public Parking Lots" as a Permitted Use in the  
Downtown Area and "CR" (Commercial/Residential)  
Districts

### **RECOMMENDATIONS:**

A. That approval be given to City Initiative 94-D, to delete "public parking lots" as permitted uses in the "CR" (Commercial-Residential) Districts throughout the City and for those lands located in the downtown area, as shown on the attached map marked as APPENDIX "A", on the following basis:

(a) That Section 2.(2)D.(iii) of Zoning By-law No. 6593 be amended by:

- i) adding the word ", structure," between the words "building" and "or";
- ii) deleting the words ", of" between the words "only" and "motor-driven";
- iii) deleting the words "pursuant to previous arrangements and not to transients"

so the entire clause reads as follows:

"garage, storage" shall mean a building, structure, or portion thereof used for housing only motor-driven vehicles, and where fuels and lubricants are not sold, and motor-driven vehicles are not equipped for operation,



repaired, hired or sold;"

- (b) That Section 14.(1)(viii) of Zoning By-law No. 6593 be amended by:
- i) deleting the words "or a" between the words "bath" and "theatre", and replace with a comma;
  - ii) adding "or a public parking lot located in the area shown on Schedule "K"." at the end of the clause;

so the entire clause reads as follows:

"Any commercial use permitted in an "E" or "G" District without a limitation on the number of employees except a massage parlour, public bath, theatre, or a public parking lot located in the area shown on Schedule "K"."

- (c) That Section 15.(1)(ii) of Zoning By-law No. 6593 be amended by adding the phrase at the end of the clause "or a public parking lot located in the area shown on Schedule "K".";

so the entire clause reads as follows:

"Any commercial use which is permitted in a residential district or other commercial district except a penny arcade or a only public parking lot for areas shown on Schedule "K"."

- (d) That Section 15A.(1)(xvii) of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following clause;

so the entire clause reads as follows:

"Parking spaces, or a storage garage;"

- (e) That Section 15B.(3)(b)17. of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following clause:

"Parking spaces, or a storage garage;"

- (f) That Section 15B.(3)(b)20. of Zoning By-law No. 6593 be deleted in its entirety;

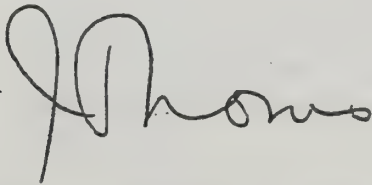
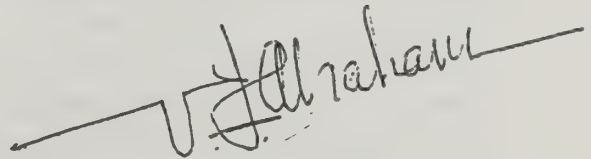
- (g) That Section 15B.(21) of Zoning By-law No. 6593 be amended by deleting the phrase "(Shall not apply to a public parking structure)" at the end of the clause.

- (h) That Section 15B.(23) of Zoning By-law No. 6593 be amended by deleting the phrase "(Shall not apply to a public parking structure)" at the end of the clause.
  - (i) That Section 22 of Zoning By-law No. 6593 - Restricted Areas By-laws Repealed of Zoning By-law No. 6593 be amended by adding a new Schedule "K" marked as APPENDIX "A";
  - (j) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
  - (k) That the proposed text amendment is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That an inter-departmental staff committee comprised of representatives from the Planning and Development, Roads, Building and Traffic Departments be established to develop guidelines for the location of future parking lots in the downtown area.

**EXPLANATORY NOTE:**

The purpose of the by-law is to provide for a general text amendment to Zoning By-law No. 6593, respecting parking lots within the downtown area and "CR" (Commercial Residential) Districts.

The effect of the by-law is to remove surface parking lots as a permitted use in any zoning district in the downtown area, with the exception of "G-3" (Public Parking Lots) Districts, and to remove surface parking lots and parking structures as permitted uses in all "CR" (Commercial-Residential) Districts throughout the City.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

Since 1989, a trend has emerged in the downtown which involves the demolition of buildings, and in their place parking lots are established. Examples include the demolition of the Zellers

building, Robinsons building, Dare factory, dwelling adjacent to Philpott Church, etc. Generally, parking lots function as temporary uses until such time as the economic climate is favourable for redevelopment.

The increase in the number of parking lots can be attributed to a number of factors: the high vacancy rate within buildings; taxes on vacant buildings are higher than those on parking lots; and, parking lots generate revenue. From the owners perspective, there appears to be economic benefits:

- the demolition of the building results in lower taxes;
- there is no longer the financial commitment to maintaining the building; and,
- the use of the land as a parking lot is a temporary use that can be ceased at any time but revenue can be generated in the mean time.

As a result of this trend, the Planning and Development Committee, at its meeting in August 1993, approved the recommendation of CAPIC "to undertake a City Initiative to delete 'Public Parking Lots' as a permitted use from all zoning districts, except "G-3" (Public Parking Lots) District."

As per the direction of the Planning and Development Committee and City Council, the Planning and Development Department is undertaking a review of public parking lots as a permitted use in downtown zoning districts.

#### ***OTHER PLANNING INITIATIVES RELATING TO PARKING LOTS:***

- Design Standards for Parking Lots

In 1993, City Council approved new design standards and regulations for parking lots across the City. The by-law requires a 3.0 m. landscaped strip along any highway or right-of-way. There are additional setback and landscaping requirements for parking lots that abut residential uses and districts.

With respect to the downtown area, the 3.0 m landscaping requirement provides significant aesthetic benefit with respect to streetscape enhancement, beautification and ensures safety along roadways.

- Lighting Standards for Parking Lots

In 1994, City Council approved minimum lighting standards for public parking lots at grade, which is to be administered through the site plan approval process. The provision of lighting will create a sense of security and personal safety in these areas.



- Parking requirements in the Central Business District

In May 1994, the Planning and Development Committee and City Council adopted the recommendation of the Planning and Development Department to maintain the present parking requirements for commercial developments in the Central Business District; and to maintain the "Cash-in-lieu" of Parking Policy.

The study was initiated by the Coopers Lybrand report which suggested the downtown area not be exempted from the parking requirements and if the "cash-in-lieu" of parking policy was applied, it should be based on 100% of the cost of providing the parking.

- Application of Demolition Control Conditions

In July 1994, City Council approved to invoke the demolition control provisions of Section 33 of the Planning Act for buildings with a residential component in the Central Area. Demolition Control allows the City to deny a demolition permit until such time as the applicant receives a building permit. In addition, there may be conditions attached to the building permit which would require the applicant to complete the building within a specified period of time (i.e. two years). The impetus behind the use of demolition control was to discourage demolition of buildings and its replacement with a temporary parking lot.

- Other Municipal Requirements

Public parking lots are required to be licensed by the City. The Licensing Department issues a "Garage D" licence for a one year period.

Since all the lands within the Central Area are under Site Plan Control, all public parking lots are subject to Development Agreements. In addition, the Licensing Department will hold new Garage "D" licences in abeyance until parking lots have received site plan approval.

## **OFFICIAL PLAN:**

The deletion of public parking as a permitted use does not conflict with the intent of the Official Plan. Further, it is noted that the Official Plan designates the downtown as "Central Policy Area". The following policy regarding parking in the "Central Policy Area" should be noted:

"A.2.8.8      *To encourage the use of Public Transit and reduce the potential use of private automobiles in the CENTRAL POLICY AREA, Council may discourage the use of public parking facilities for long-term commuter parking in the AREA.*"



## CENTRAL AREA PLAN:

The Central Area Plan has specific policies dealing with parking in the downtown core. The removal of parking lots as a permitted use would support Policy 4.8.7 that states:

"4.8.7      *To preserve and promote the economic health of the downtown core as the Regional economic centre, sufficient parking spaces should be available. Parking facilities should be improved, both by the City and privately. These spaces should be conveniently located and operated in such a manner as to encourage their use for short term parking needs for shopping, entertainment, and business. As such, parking should be provided in accordance with the following provisions:*

- iv)      *Major parking facilities should be located and arranged so as to minimize through traffic and reduce congestion. They will be encouraged to locate in the Downtown Core."*

The Central Area Plan attempts to restrict the location of public parking lots to the areas designated "Downtown Core" on the Plan's Land Use Schedule. This area coincides with the commercial core of the City - the commercial centre at King and James and the extended commercial areas of King Street East and West and James Street North and South.

## ZONING BY-LAW NO. 6593

The Zoning By-law differentiates between "public parking lots" and "storage garage" (public parking structure). A "Public Parking Lot" is defined as:

"an open area, other than a public thoroughfare, used for the temporary parking of more than four motor driven vehicles and available for use of the public, whether free or for compensation or as an accommodation for clients or customers."

A "public parking structure" is not specifically defined, but is considered to be a "storage garage". The Zoning By-law currently defines a "storage garage" as follows:

"shall mean a building, or portion thereof used for housing only, of motor-driven vehicles pursuant to previous arrangements and not transients, and where fuels and lubricants are not sold, and motor-driven vehicles are not equipped for operation, repaired, hired or sold;"

The term "public parking structure" is only found in the "CR" (Commercial/Residential) Districts.

Public Parking lots are permitted in the following zoning districts within the downtown core:

- "G-3" (Public Parking Lots) District
- "H" (Community Shopping and Commercial, etc.) District
- "T" (Central Business) District
- "HI" (Civic Centre Protected) District
- "CR-1" (Commercial-Residential) District
- "CR-2" (Commercial-Residential) District
- "CR-3" (Commercial-Residential) District
- "J" (Light and Limited Heavy Industry, etc.) District

A "storage garage" is permitted in all the above districts with the exception of "G-3" (Public Parking Lots) District.

The "T" and "HI" Districts are located only in the downtown area, whereas the other districts can be found throughout the City. In this regard, amendments to the Zoning By-law will be on a site specific basis as well as a general text amendment.

### ***SURVEY OF OTHER MUNICIPALITIES:***

A survey was undertaken of 10 major Canadian municipalities to determine if they permit parking lots in their downtowns, and if so, how they are regulated. The results of the survey are summarized by APPENDIX "B".

Two municipalities (Halifax and St. Johns) do not permit parking lots or garages in their downtowns. Another two municipalities (Calgary and Winnipeg) permit parking uses only as discretionary or conditional uses. The cities of Montreal and London permit parking structures within existing downtown zones, but do not permit parking lots. The City of Ottawa permits parking lots only by passing a temporary use by-law (maximum three year periods). Three cities (Regina, Thunder Bay, Vancouver) permit both parking garages and lots in existing downtown zones.

Further to the above, three of the municipalities (Calgary, London and Regina) surveyed indicated they have also experienced problems with the demolition of buildings in their central business

districts, to provide for parking lots. Four cities (Halifax, Ottawa, Thunder Bay and Vancouver) indicated that they had not experienced problems with the demolition of buildings.

Based on the above survey results, it can be summarized that:

- a few municipalities indicate that parking in the downtown is not a problem, in total seven out of the ten municipalities surveyed do not permit surface parking lots as- of-right in downtown zones;
- three municipalities permit parking uses as discretionary, temporary or conditional uses only;
- a total of four municipalities do not permit parking lots in the downtown (two of which prohibit all parking and two of which allow structures for parking, but not parking lots);
- the trend illustrated by the survey of major cities, is to exercise greater control over parking lots in the downtowns through discretionary, conditional or temporary zoning, or to prohibit them in the downtown zones.

In comparison, Hamilton appears to exercise far less control than most major municipalities over the location of surface parking areas in its downtown.

#### ***SUPPLY OF PARKING WITHIN THE DOWNTOWN:***

An inventory of parking lots, in the Central Business District was undertaken by the Planning and Development Department (updated in 1993). The inventory of downtown parking lots revealed that:

- approximately 1/2 of the available parking spaces were being utilized during normal business hours;
- parking rates were indicative of an oversupply; and,
- usage of municipal car parks in the Central Business District (65% of the total spaces) illustrates an oversupply of parking in the downtown.

#### ***RESULTS OF CIRCULATION:***

- The Clerk's Department, Licence Division has no comment.
- The Parking Authority of the City of Hamilton has advised that:



"Having reviewed the above document I can advise that its intent and direction are in harmony with the aims and objectives of the **Parking Authority** and that the Authority will give its full support."

- The Regional Roads Department has advised that:

- "1. We are generally supportive of this initiative since it is consistent with the overall intent of the Regional Transportation Study. This proposal will give the City a tool to regulate parking in the Downtown Area through specific zoning applications. In so doing, the implications on the availability of parking and the free market enterprise should be closely monitored.
2. We understand that a number of properties remain vacant pending the opportunity for consolidated land development at some future date and that the parking on these lands is a short term use.
3. We recommend that the parking lots in the Downtown Area still be subject to site plan control."

- The Traffic Department has advised that:

"..... Consideration should be given to the possible consequences of note permitting the use as public parking lots. If the current trend to demolish vacant buildings continues, the result may be an increase in the number of properties left simply vacant and undeveloped.

The report indicates that the removal of public parking lots as permitted uses does not imply that no additional surface parking lots will be permitted and the City will evaluate each proposed parking lot on its own merits through the rezoning process.

Prior to presenting this initiative at a public meeting, it is essential that a comprehensive evaluation criteria be developed to inform the present owners and developers of properties in the downtown area of how each application will be evaluated.

We recommend that an inter-departmental technical committee be established to develop the evaluation criteria prior to the public meeting."

#### **ANALYSIS:**

As discussed, there has been a proliferation of parking lots in the downtown core. Of the licensed parking lots approximately 26% have been established within the last five years, primarily through the destruction of buildings on these sites.



The establishment of parking lots on these sites previously occupied by buildings has economic and planning repercussions.

- a) it creates gaps in the urban fabric (building form);
- b) it undermines the viability of the existing commercial uses by creating gaps in the commercial frontage, thereby, eroding the downtown;
- c) in some cases, there would be a loss of a building of architectural and historical significance;
- d) a negative impact on pedestrian flows since cars travel across the sidewalks accessing parking lots, thereby interrupting pedestrian movement;
- e) the establishment of parking lots in the downtown encourages long term commuter parking, and discourages the use of public transit, which is undesirable;
- f) it is contrary to Vision 2020 which encourages the intensification of the core of the City; and,
- g) it discourages or delays redevelopment, since revenue can be realized by using vacant lands for parking.

In this regard, it would be appropriate to remove parking lots as a permitted use within the downtown area.

The removal of public parking lots as permitted uses does not imply that no additional surface parking lots will be permitted. Rather, it is considered appropriate for such uses to be the subject of a rezoning, so the City can evaluate each parking lot on its own merits.

It should be noted the problems associated with parking lots detailed above, for the most part, would not apply to parking structures (ie. they are not temporary uses). Consequently, the proposed amendment to the Zoning By-law would remove surface parking lots as permitted uses from the downtown, however, parking structures (storage garages) would still be permitted.

In addition, site specific by-laws which list a public parking lot as a permitted use will not be affected by this general text amendment.

#### **ADDITIONAL COMMENTS:**

1. The proposal complies with the intent of the Official Plan and Central Area Plan.

2. As a result of the proposed general text amendment, additional corrections to the Zoning By-law have become evident.

#### Change to the Definition of Storage Garage

The definition of a storage garage traditionally includes a parking structure. However, the definition is outdated; it is suggested the wording be changed to include a direct reference to the word "structure" and to remove the reference "to previous arrangements and not for use by transients".

In addition, the word "public parking structure", which is only found in the "CR" (Commercial/Residential) Districts, is proposed to be removed and replaced with "storage garage". This is consistent with defined terminology used elsewhere in the By-law.

#### Deletion of Public Parking Lots in the "CR" Districts

It has been noted that public parking lots are permitted within the "CR" (Commercial/Residential) districts. The intent of the district is to have either commercial or commercial/residential buildings; it was never intended to allow parking lots on their own. In this regard, it would be appropriate to delete "public parking lot" as a permitted use in all "CR" districts. This would not affect parking areas which are accessory to a permitted use.

There are a few "CR" districts located outside the downtown area.

3. It should be noted that all existing parking lots, within the downtown area, which are not zoned "G-3" (Public Parking Lots) District, would become legal non-conforming uses. In this regard, those lots existing at the time the proposed By-law is passed could be maintained with legal non-conforming status.
4. Based on the inventory of parking lots in the downtown, there currently appears to be an oversupply of parking spaces. In this regard, the proposed changes to the Zoning By-law should not create a shortage of parking spaces.
5. It is noted the elimination of public parking lots in the downtown is not a panacea to the demolition of commercial buildings (Residential buildings are under Demolition Control). However, the Planning and Development Department will monitor the situation and if warranted, take additional actions. For the information of the Committee, the City, based on Council's decision, is pursuing special legislation to allow the demolition control provisions of the Planning Act to heritage buildings.

6. That an inter-departmental staff committee comprised of representatives from the Planning and Development, Roads, Building and Traffic Department be setup to develop guidelines for the location of future parking lots in the downtown area. With regards to future applications, each department is circulated the zoning application and if it is necessary then staff can meet to discuss any possible problems.

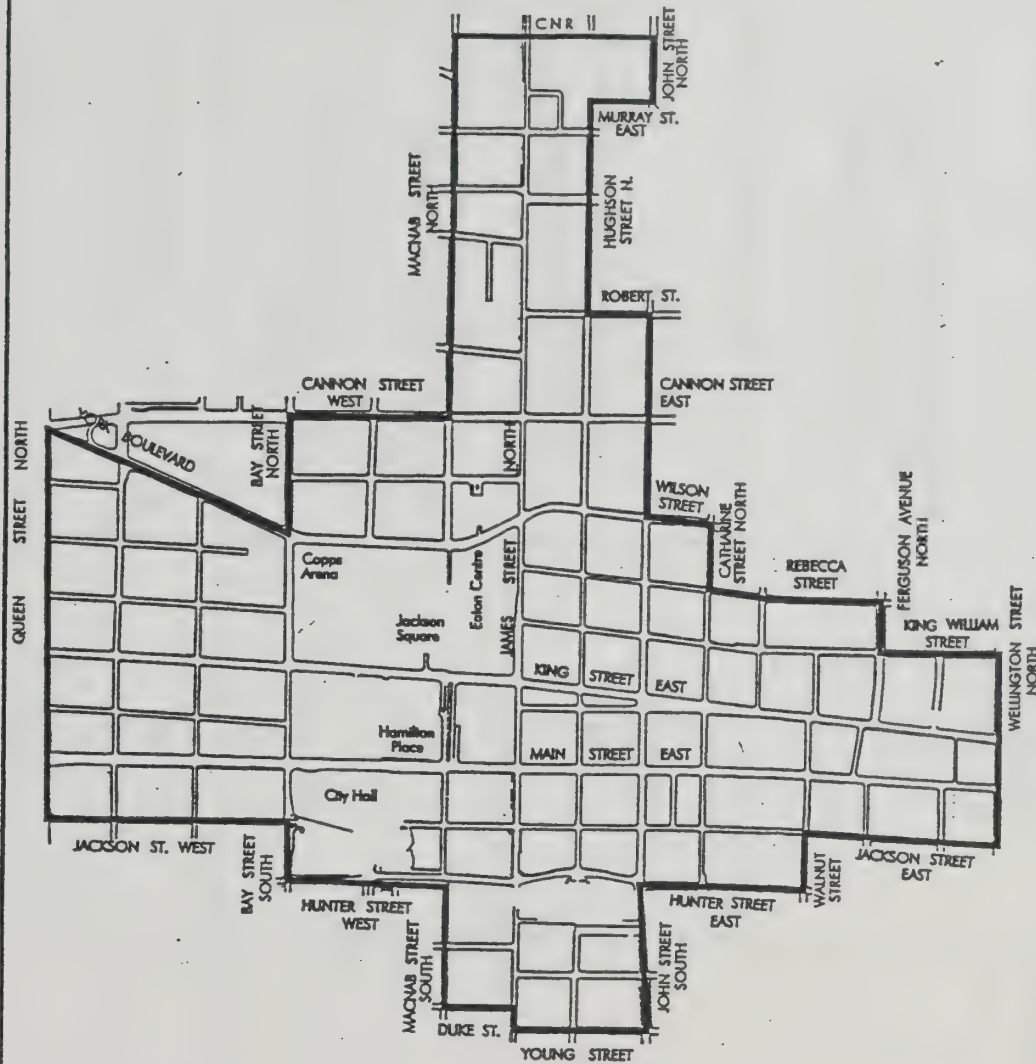
**CONCLUSION:**

Based on the foregoing, it would be appropriate to remove "public parking lots" as a permitted use in the downtown area as well as the "CR" (Commercial/Residential) districts.

JHE/CLM:jhe/clm

94D





Schedule "K" to Zoning By-Law No. 6593

This is Schedule "A" to By-Law No. 9 .....  
 Passed the ..... day of ....., 199 .....

Clerk

Mayor

City of Hamilton

## Schedule A

Map Forming Part of  
 By-Law No. 9 .....  
 to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth  
 Planning and Development Department

## Legend



Public parking lots not  
 permitted within this area.

North



Scale  
 Not to Scale

Date  
 AUGUST 1994

Reference File No.

CI 94 - D

Drawn By  
 R. L.



# PARKING LOTS IN THE DOWNTOWN

| MUNICIPALITY | PARKING LOTS /PARKING GARAGES<br>WITHIN EXISTING<br>ZONE | BUILDINGS TORN DOWN<br>REPLACED WITH<br>PARKING LOTS | ADDITIONAL COMMENTS   |
|--------------|--|--|---|
| Calgary      | Permitted as Discretionary Uses                          | Yes  | <ul style="list-style-type: none"> <li>Each parking lot approved as a discretionary use for a max. of 3 years, after expiry new development permit required</li> <li>they have design standards for parking lots</li> </ul> |
| Halifax      | Not Permitted  | No   | <ul style="list-style-type: none"> <li>Requires a Development agreement to permit parking lots in downtown</li> </ul>   |
| London       | Yes (garage)<br>No (lots)                                | Yes  | <ul style="list-style-type: none"> <li>zones outside the downtown allow both parking lots and structures</li> </ul>   |
| Montreal     | Yes (garages)<br>No (lots)                               | Not identified                                       | <ul style="list-style-type: none"> <li>conditional approval required for specific zones</li> </ul>  |
| Ottawa       | Yes (lots)   | No   | <ul style="list-style-type: none"> <li>permitted by temporary use by-law for maximum periods of three years</li> </ul>  |
| Regina       | Yes (garages/lots)                                       | Yes  |   |

# PARKING LOTS IN THE DOWNTOWN

| MUNICIPALITY | PARKING LOTS /PARKING GARAGES<br>WITHIN EXISTING<br>ZONE | BUILDINGS TORN DOWN<br>REPLACED WITH<br>PARKING LOTS | ADDITIONAL COMMENTS   |
|--------------|--|--|---|
| St. John's   | Not permitted  | Isolated cases only                                  | <ul style="list-style-type: none"> <li>Parking areas put under conditional zoning</li> </ul>  |
| Thunder Bay  | Yes (garages/lots)                                       | No   |   |
| Vancouver    | Yes (garages/lots)                                       | No   | <ul style="list-style-type: none"> <li>Parking is not allowed in front of retail stores in commercial districts to maintain pedestrian orientation</li> <li>Parking garages only allowed in CBD office core</li> <li>parking lots not allowed in pedestrian oriented areas</li> </ul> |
| Winnipeg     | Permitted as a conditional use                           | Not identified                                       |   |



1a

# DOWNTOWN HAMILTON

B U S I N E S S I M P R O V E M E N T A R E A

4 Hughson St. S., Suite 204, Hamilton, Ontario, Canada L8N 3Z1 • Tel 905.523.1646 • Fax 905.523.5433

November 23, 1999

Secretary, Planning and Development Committee  
City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8P 4Y5

VIA FAX 546-2095

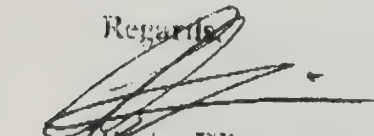
Re: Request to Address the Planning and Development Committee on December 8, 1999

To the Secretary of the Planning & Development Committee:

With this letter, I am requesting that I be allowed to address the Planning and Development Committee on December 8, 1999 regarding a proposed general text amendment to the City of Hamilton Zoning Bylaw No. 6593. More specifically, I wish to put forward the position of the Downtown Hamilton Business Improvement Area (BIA) on the proposal to delete new "surface" parking lots as a permitted use in the Downtown area.

Please call BIA Executive Director Carlo Gorni if you have any questions.

Regards,

  
Kathy Wiegand  
Chair





NOV 18 1990

REC'D BY *KC* DATE *Nov 18*

MAIL ROOM *TA* INT.

*FYE/A*

*Rid TA Nov.*

NOV. 12 1999

From what little information appears in the public notice, it appears to me that the proposal is ill-advised and, if adopted, would leave the City open to considerable litigation as to its validity.

Yours very truly,

MARTIN & HILLYER

Per. 

Alan T. Marshall, Q.C.  
/cp





CITY OF HAMILTON AND  
REGION OF  
HAMILTON-WENTWORTH



NOTICE OF PUBLIC MEETING  
PLANNING AND DEVELOPMENT COMMITTEE

Date: November 24, 1999  
Time: 9:30 a.m.  
Location: Room 233, 2nd Floor, City Hall

The Planning and Development Committee will hold a Public Meeting to consider a general tax amendment to the City of Hamilton Zoning By-law No. 6593 respecting lands in the Downtown Area as shown on the map below, and the "CR" (Commercial-Residential) Districts throughout the City.

Zoning By-law No. 6593 currently permits public parking lots within a number of zoning districts in the Downtown Area. The purpose of the proposed general text amendment is to delete 'surface' parking lots as a permitted use in the Downtown Area, and to delete 'surface' parking lots and parking 'structures' as permitted uses in all "CR" (Commercial-Residential) Districts throughout the City.

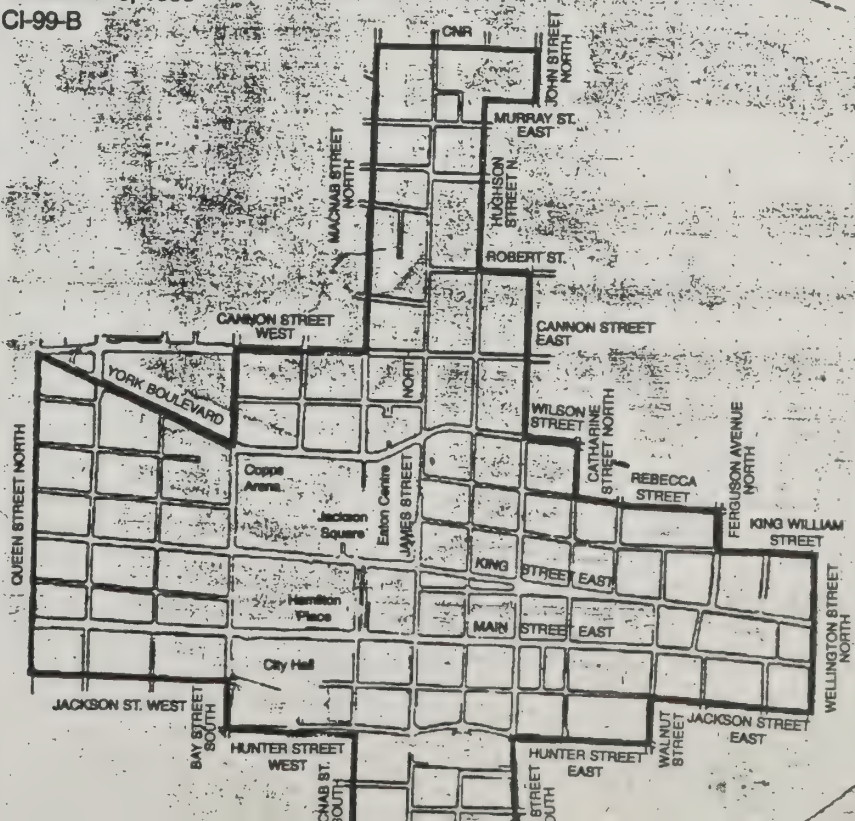
The Planning and Development Committee will consider this matter at a Public Meeting at the above mentioned time and location. You are invited to attend at that time. You may also submit comments in writing to the Secretary, Planning and Development Committee, City of Hamilton, 71 Main Street West, L8P 4Y5.

If a person or public body that files an appeal of a decision of the City of Hamilton in respect of the proposed zoning by-law does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the proposed zoning by-law is adopted, the Ontario Municipal Board may dismiss the appeal.

The staff report will be available to the public on or after Monday, November 22, 1999, and may be obtained from the Community Planning and Development Division, 7th Floor, City Hall, 71 Main Street West, between 8:30 a.m. and 5:00 p.m.

If you require additional information, please call Paul Mallard, Community Planning and Development Division, at 564-4281 (File CI-99-B).

Secretary  
Planning & Development Committee  
November 6, 1999  
CI-99-B



Rev. Bob Sims

# New St. Patr

By TAM  
Special

The sky is Church.  
A portion roof needs to be St. Patrick's C corner of King enue for 122 year est Roman Cath ton, St. Mary's Rev. Bob Sims, S

To raise mon church will be s pieces of the ori Sims hopes th cost of replacin between \$75,000

He will anno Patrick's cong about 1,600 regis

Sims says nance com large se abo





# MIKRON PROPERTIES

Telephone (416) 489-2833  
482-2918

756 Spadina Road  
Toronto, Ontario M5P 2X4

November 12, 1999

Secretary, Planning and  
Development Committee,  
City of Hamilton,  
71 Main Street West,  
HAMILTON, Ontario  
L8P 4Y5

Dear Sirs :

Re : Proposed Amendment to  
Zoning By-law No. 6593

We own the lands bounded by Main, Caroline, George and Hess Streets, and hope to develop this and other property in Hamilton.

The availability of ample parking is very much a positive aspect encouraging development. Any attempt to discourage possible parking should be regarded as an impediment to promoting a vibrant city core and should therefore be dismissed.

Please have this letter serve as our submission to oppose the proposed amendment.

Yours truly,

MICHAEL WEINBERG PROPERTIES LTD. and  
INTERVIVOS INVESTMENTS LIMITED

*Michael Weinberg*  
Michael Weinberg

|                               |                    |
|-------------------------------|--------------------|
| OFFICE OF THE MUNICIPAL CLERK |                    |
| NOV 17 1999                   |                    |
| FOR BY <i>CC</i>              | DATE <i>Nov 18</i> |
| FOR TO                        | DATE               |
| FOR TO                        | DATE               |
| FOR TO <i>JA</i>              | DATE               |
| ACTION <i>F/X/D</i>           |                    |





*Tina Agnello*

Secretary, Planning and  
Development Committee  
City of Hamilton  
71 Main Street West  
Hamilton, ON L8P 4Y5

1d)

# The Enfield Group Inc.

November 15, 1999

|                         |            |
|-------------------------|------------|
| CITY OF HAMILTON        |            |
| DEPARTMENT OF BUILDINGS |            |
| <b>CI-99-B</b>          |            |
| NOV 26 1999             |            |
| REC. BY <u>72</u>       | DATE _____ |
| REFD TO <u>TR 99</u>    | DATE _____ |
| REFD TO _____           | DATE _____ |
| REFD TO _____           | DATE _____ |

Dear Sirs:

**RE: APPEAL OF PROPOSED AMENDMENT OF  
CITY OF HAMILTON ZONING BY-LAW #6593  
FILE #C1-99-B**

We are parking operators for several downtown landowners.

It has always been the intention of each and every landowner to develop their property so the land may be utilized to its highest and best use.

Market conditions have and will always dictate when development may occur; however, to further restrict the owners use of their lands would only serve to deter buyers from moving into the Hamilton market.

The net result would be another reduction in an already deflated real estate market. At present all "NEW PARKING LOTS" must meet current Building and Planning requirements as they must enter into a site plan agreement, which incorporates all of your latest requirements relating to 1) set backs, 2) beautification, 3) paved surfaces, 4) lighting, etc.

These site plan agreements have already achieved the wishes of council.

We strongly OBJECT & APPEAL to your intent to prevent an 'owner' of their right to maximize their possible uses of their land.

Parking is necessary to keep the core's retail sector alive. Supply and demand has always been good for the retail sector as the greater the availability of parking, the better the price points will be for the consumer as well as access to their stores.

Your immediate attention is greatly appreciated.

Yours truly,  
THE ENFIELD GROUP INC.

*G. Fraleigh*

Greg Fraleigh  
President

GF:df

1115.99





# CITY OF HAMILTON

2

## - RECOMMENDATION -

**DATE:** 1999 November 22  
Delta West Neighbourhood  
ZAC-99-35

**REPORT TO:** Chairman and Members of the  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager, Community Planning & Development Division

**SUBJECT:** Request for rezoning – 1320-1322 King Street East  
(PDC99152)

### RECOMMENDATION:

That approval be given to Zoning Application ZAC-99-35, by 1018092 Ontario Ltd. (The Rosslyn), owner/prospective owner, for a modification to the existing "H" (Community Commercial and Shopping, etc.) District regulations, to permit the expansion of the existing Residential Care Facility from 50 residents to 64 residents, for lands located at 1320-1322 King Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
  - a) That notwithstanding Section 14.(1) of Zoning By-law No. 6593, the following use shall be permitted:
    - (i) a senior citizens "residential care facility" for the accommodation of a maximum of sixty four (64) persons;
  - b) That for the purposes of this By-law, a senior citizens "residential care facility" means a residential care facility within which all residents are at least 60 years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board;
  - c) That Section 14.(7) of Zoning by-law No. 6593, shall not apply to the subject lands;
  - d) That notwithstanding Section 14.(9)(i) of Zoning By-law No. 6593, a landscape planting strip of not less than 1.2 m in width shall be provided and maintained along the westerly lot line;

- e) That Section 18A.(1)(f) of Zoning By-law No. 6593 shall not apply;
- f) That notwithstanding Section 18A.(7) of Zoning By-law No. 6593, five (5) parking spaces shall be provided and maintained adjacent to Rosslyn Avenue shall have a length of not less than 2.3 m; and,
- g) That a minimum landscape area of 26.8% of the lot area shall be provided and maintained on the lot;
- ii) That the amending by-law be added to Section 19B of Zoning by-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-45 be notated S- .
- iii) That Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-45, for presentation to City Council; and,
- iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

#### **EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc) District regulations, for lands located at 1320-1322 King Street East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the expansion of the existing senior citizens "residential care facility" at 1322 King Street East from 50 residents to not more than sixty-four (64) persons. The existing single family dwelling at 1320 King Street East will be demolished and a new two storey addition will be built to facilitate the expansion.

In addition, the By-law provides the following variances:

- Defines a senior citizens "residential care facility" as a residential care facility within which all residents are at least sixty (60) years of age or older, and do not require probationary or custodial care governed by the terms of any court or parole board;
- Permits the residential care facility to be within 45.7 m of an existing residential care facility at 24 Kensington Avenue South, whereas a minimum 180 m radial separation between such uses is required;
- Permits a minimum 1.2 m landscape planting strip along the westerly lot line, whereas a minimum 1.5 m is required;
- Permits none of the parking spaces to provide on-site manoeuvring, whereas a minimum of 6.0 m is required;



- Permits five (5) parking spaces to be provided and maintained adjacent to Rosslyn Avenue with a minimum length of 2.3 m, whereas a minimum length of 6.0 m is required; and,
- Requires a minimum landscape area of 26.8% of the lot area as outdoor amenity area.

*Lee Ann Carey*

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for a zoning by-law amendment.

#### **BACKGROUND:**

- **Proposal**

The applicant is proposing to expand an existing seniors residential care facility (The Rosslyn) at 1322 King Street East from 50 residents to 64 residents and increase the number of parking spaces provided on-site from eight (8) to ten (10). The applicant intends to demolish the existing single family dwelling at 1320 King Street East and construct a new 2 storey addition (3,036.8 m<sup>2</sup>) to facilitate the expansion of the existing facility (see APPENDIX "B" attached). An amended application provides for one (1) additional parking space, whereas two (2), were originally proposed. The new parking space will be located off of Rosslyn Avenue.

- **Committee of Adjustment Application A-89:65**

The Committee of Adjustment, at their meeting of March 22<sup>nd</sup>, 1989, denied an application to permit the conversion of the existing building at 1322 King Street East for commercial uses requiring 26 off-street parking spaces for general office uses, and the basement area for a church use, notwithstanding:

- 6 off-street parking spaces will be provided instead of the required minimum number of 26, and part of the manoeuvring area for one space will not be on the lot; and,
- the required off-street loading space will not be provided.

An additional 6 parking spaces were to be provided upon the adjacent road allowance.

The Committee denied the application on the basis that the variances were not considered minor, and approval would result in a negative impact on the neighbourhood. The proposal should be more appropriately dealt with through a zoning by-law amendment.



- **Council Resolution of April 25, 1989**

City Council, at their meeting of April 25, 1989, approved the following resolution:

- “(a) That in accordance with the cash-in-lieu of parking policy, Mr. George Cotroneo, owner of property at 1322 King Street East BE REQUIRED TO PAY to the City of Hamilton the sum of \$47,500 (which is based on 50% of the cost of providing 19 parking spaces at a total cost of \$95,000): and
- (b) That the City Solicitor BE DIRECTED to implement the cash-in-lieu of parking policy; and,
- (c) That approval of the matter BE SUBJECT TO the owner providing the Building Department with building plans showing the development in accordance with the Zoning By-law and the Ontario Building Code and that a plot plan based on a survey BE PROVIDED showing the 6 parking spaces located on the lot.”

Subsequently, the applicant submitted the requested plans and \$45,000 was received by the City for cash-in-lieu of parking.

- **Committee of Adjustment Application A-95:108**

The Committee of Adjustment, at their meeting of October 23, 1996, approved an application to permit the existing lodging house to be used as a residential care facility for a maximum of 50 residents notwithstanding:

- 1) the district regulations permit a maximum of 20 residents; and,
- 2) another residential care facility was located at 24 Kensington Avenue South as close as 45.72 m (150 feet) instead of at least 180 m away.

Further, to permit the relief requested provided that:

- 1) All residents are retirees who do not require probationary or custodial care governed by the terms of any court or parole board; and,
- 2) One resident alone shall occupy his/her respective unit save and except for residents who are spouses.

The variances were granted on the condition that a driveway and driveway approach (per Driveway Approach Approval issued by the Traffic Department on 1995 July 14) has been constructed. Proof had to be submitted to the Office of the Committee of Adjustment. Further, no additional resident rooms were to be created on the premises.

**APPLICANTS:**

The Rosslyn, owner/prospective owner.

**LOT SIZE AND AREA:**

The subject lands have a total:

- frontage of 60.2 m (197.5 feet) along King Street East;
- frontage of 25.78 m (87.5 feet) along Rosslyn Avenue; and,
- lot area of approximately 1,737.7 m<sup>2</sup> (18,673 square feet).

**LAND USE AND ZONING:**

|                          | <u>Existing Land Use</u>                             | <u>Existing Zoning</u>  |
|--------------------------|--|---|
| <u>Subject Lands</u>     | Single family dwelling and residential care facility | "H" (Community Shopping and Commercial, etc.) District                          |
| <u>Surrounding Lands</u> |  |   |
| To the north             | Delta Park and grocery store                         | "H" (Community Shopping and Commercial, etc.) District                          |
| To the east and south    | Single family dwellings                              | "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District |
| To the west              | Single family dwellings                              | "H" (Community Shopping and Commercial, etc.) District                          |

**OFFICIAL PLAN:**

The subject lands are designated "Commercial" on Schedule 'A' – Land Use Concept of the Official Plan. The following policies, amongst others, apply:

- "A.2.2.1      The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business office; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, where one exists:

- i)      Residential uses subject to the following provisions:

- a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;
- b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;
- c) satisfy the provisions of Subsections A.2.1 and C.7.

**A.2.2.17** Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the provisions of Policy 2.2.1 i) and any other related policies as set out in this Subsection.

**A.2.2.37** In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

**A.2.2.40** Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses.

**B.3.3.8** Council may, at its discretion and subject to the Planning Act, provide developers with the option of making a cash payment to the City in lieu of all or part of the Zoning By-law PARKING requirements. Such funds will be used for the acquisition of lands and/or the provision of off-street PARKING throughout the City where deemed appropriate by Council.

**C.7.1** In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;

**C.7.3** Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:



- x) Encourage the development of a range of RESIDENTIAL care and short-term car facilities in all areas of the City through appropriate recognition in the Zoning By-law;"

### NEIGHBOURHOOD PLAN:

There is no approved Neighbourhood Plan for the Delta West Neighbourhood.

### COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority advises they have no objection.
- The Transportation, Operations and Environment Division (Public Works and Traffic Department) advises:

"We have no objection to the proposed modification in zoning to permit the expansion of the existing retirement home.

With reference to the submitted site plan, we have the following comments:

As a condition of approval of the future Site Plan Application, the applicant will be required to enter into an amended Commercial Boulevard Parking Agreement to permit the two additional parking spaces on Rosslyn Avenue.

In addition, the applicant should be advised that all Municipal trees located within the road allowance of King Street that are to remain must be adequately protected during the demolition and construction of the addition."

- The Community Planning and Development Division (Building) advises:
  - "1. These comments are based on the lands being held under one title.
  2. A retirement home is not a recognized or defined term under zoning regulations.
  3. The recognized use is a lodging house for the accommodation of not more than forty-six (46) persons.
  4. Committee of Adjustment decision A-95:108 permitted the existing lodging house to be used as a residential care facility for a maximum fifty (50) residents provided that:
    - a) all residents are retirees who do not require probationary or custodial care governed by any court or parole board,
    - b) one resident alone shall occupy his/her respective unit save and except for residents who are spouses,
    - c) proof of a driveway and driveway approach having been constructed,



- d) no additional resident's rooms be created on the premises.

Please note that a building permit was never applied for to convert the lodging house to a residential care facility.

5. The proposed residential care facility for sixty-four (64) residents is not permitted. Please note that the number of existing residents as noted under the site and building stats on Drawing A1 submitted is fifty-one (51), which is also not permitted.
6. The lot area calculations given is different from this Department's records based on an Ontario Land Survey dated July 7, 1987. Please note that the length of the easterly side yard on the site plan is 26.701 m (87.6 ') and the survey on file indicates this length to be 84. 58'. Please confirm lot area.
7. The location of the existing two-storey building is legally established non-conforming and the location of the proposed two-storey addition conforms (using King Street as the front yard) as shown.
8. It is assumed that the Proposed Terraces and Planters are landscaping at grade only. Otherwise, may not conform as shown.
9. The proposed residential care facility is situate within the minimum required 180.0 m radial separation of an existing residential care facility.
10. Except where the building is located, a minimum 1.5 m planting strip is required along the side lot lines and rear lot lines adjoining the residential districts and residential use in the case of the westerly side lot line.
11. A residential care facility for the accommodation of sixty-four (64) residents requires twenty-two (22) parking spaces with manoeuvring on site. A cash-in-lieu of parking agreement was registered on title May 9, 1989 for nineteen (19) parking spaces. Confirmation from Dave Powers of the Solicitor's Office is required to confirm that the parking agreement is applicable. If the parking agreement is applicable and the nineteen (19) parking spaces are exempt as a result, three (3) parking spaces with manoeuvring on site are required. None of the parking as shown conforms.
12. The four (4) existing parking spaces along the easterly side lot line, adjacent to Rosslyn Avenue, and the two (2) existing parking spaces along the front lot line, adjacent to King Street, do not conform and were not previously approved as shown. Please note that the minimum required parking space and manoeuvring space sizes are 2.7 m x 6.0 m and shall be provided on site.
13. The two (2) proposed parking spaces along the easterly side lot line, adjacent to Rosslyn Avenue, are not located on the lot and do not provide manoeuvring on site.

14. The two (2) proposed parking spaces adjacent to King Street, located at the northwest corner of the property, do not provide manoeuvring on site.
15. The six (6) existing parking spaces adjacent to Rosslyn Avenue shall not be less than 1.5 m from the adjoining residential district and shall be not closer to the street line than 6.0 m for the portion of the parking area within 3.0 m of the residential district. Please note that a 1.5 m landscaped planting strip and a visual barrier is also required for the portion of this parking area that abuts the residential district.
16. A demolition permit in the normal manner is required to demolish the existing dwelling and detached.
17. The designer shall ensure that the fire access route conforms to the Ontario Building Code."

- The Community Planning and Development Division (Development Engineering) advises:

"There are combined sewers on King Street East and Rosslyn Avenue South and separate storm and sanitary sewers on Kensington Avenue South to service the subject lands. Public watermain are available on all three streets.

According to our Office records, the existing road allowance widths of King Street and Rosslyn Avenue South is 20.12m. Therefore we do not anticipate any further road widenings at this time.

At the site plan stage, we will require that the owner make appropriate arrangements with the Traffic Division with respect to the existing and proposed extension for Boulevard Parking, etc. on Rosslyn Avenue

We have reviewed the preliminary site plan and the fact that the existing access for lands at No. 1320 King Street East currently requires vehicles to reverse across the street line. In reviewing development or redevelopment adjacent to Regional Arterial Roadways it is our first intention to improve the access and maneuvering to the site to ensure that the vehicles can enter and exist the site in a forward manner.

We have no objection to the rezoning of these lands but cannot support the preliminary site plan submitted. With respect to this application, we recommend that consideration be given consolidating the parking and providing sufficient area on the site for vehicles to turn around and enter King Street in a forward manner. One option the owner could consider is relocating the terrace to the west side of the property and relocating the proposed parking to the existing parking area in the vicinity of the existing easterly access to the site on King Street East.

Since the alterations to the site submitted may require additional zoning variances to be included in the amending By-law, it is our recommendation that the applicant/owner review these plans to ensure that the details of the site plan approval do not require addition zoning variances.



We would be pleased to meet with the applicant/owner and Planning staff to resolve this matter.

Any other works within the adjacent road allowances must conform to the respective Street By-laws."

## COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The application has merit and can be supported on the following basis:
  - The existing facility, established in 1994 in a former church, has co-existed with the adjacent neighbourhood with minimal negative impacts. The property and buildings are well maintained;
  - A senior citizens residential care facility is appropriately located at the edge of a residential neighbourhood on an arterial road (King Street East);
  - A parking study submitted by the applicant as part of the application (see APPENDIX "C" attached) indicates that the current 8 spaces on-site provide adequate parking for the existing facility. Based on this survey, the busiest day averaged only 2.38 spaces occupied and 5.63 spaces available. On this basis, the increase in residents from 50 to 64, is expected to have only a minimal impact on the existing parking situation.
3. A residential care facility for the accommodation of sixty-four (64) residents requires twenty-two (22) parking spaces. A cash-in-lieu parking agreement for 1322 King Street East was registered on title on May 9, 1989 for 19 parking spaces. Legal Services advises that " as long as the original building continues, the benefit of said registered agreement continues." On this basis, the 19 parking spaces are exempt from by-law requirements. Therefore, only three (3) parking spaces are required on-site. There are eight (8) existing spaces and the amended application provides for one (1) additional space to be added off of Rosslyn Avenue (see APPENDIX "B" attached).
 

The Building Department notes that none of the existing or proposed parking spaces provide on-site manoeuvring, and the parking spaces off of Rosslyn Avenue provide only 2.3 m in length on-site, whereas the by-law requires a minimum of 6.0 m. Variances for these can be supported on the basis that: the amended application provides five (5) parking spaces in excess of what is required; and, this is an existing situation.
4. The existing facility was converted from a church to a lodging home in 1994. The Committee of Adjustment, in 1995, approved variances to permit the existing lodging house to be used as a residential care facility for a maximum of 50 residents, notwithstanding;

- the maximum number of residents permitted for this use in the district is only 20; and,
- there was another residential care facility within the 180 m radial separation distance;

Further, to permit the relief requested provided that:

- the residents would not be under custodial care governed by a court or parole board; and,
- there would be one resident per unit except where there was a married couple.

Approval was conditional on the appropriate approach approval being issued, and no further resident rooms were to be created on the premises.

The subject application, as amended, is to recognize the existing residential care facility at 1322 King Street East and provide for its expansion westerly to 1320 King Street East for a maximum 64 residents with a total of 9 parking spaces on-site. A number of variances are required to reflect the existing situation including, the use as a residential care facility, the definition of a "seniors citizens" residential care facility, and the radial separation distance. These had been previously recognized through the 1995 Committee of Adjustment application and therefore can be supported.

In addition, variances are also required to increase the maximum number of residents permitted from 50 to 64, include adjacent lands to the west (1320 King Street East), and to reduce the required minimum landscape planting strip of 1.5 m to 1.2 m along the westerly side yard. It should be noted that a bay window projects into this yard which is only 1.2 m from the lot line. It is also noted that the parking space adjacent to the westerly property line is closer than 1.2 m (see APPENDIX "B" attached). This will be corrected through the Site Plan Control process.

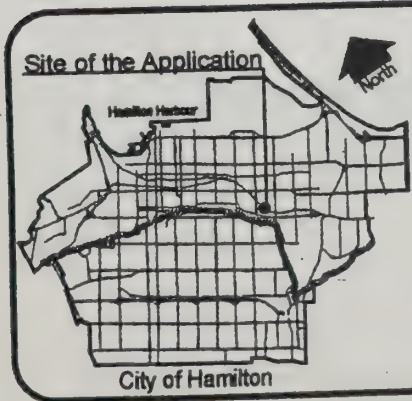
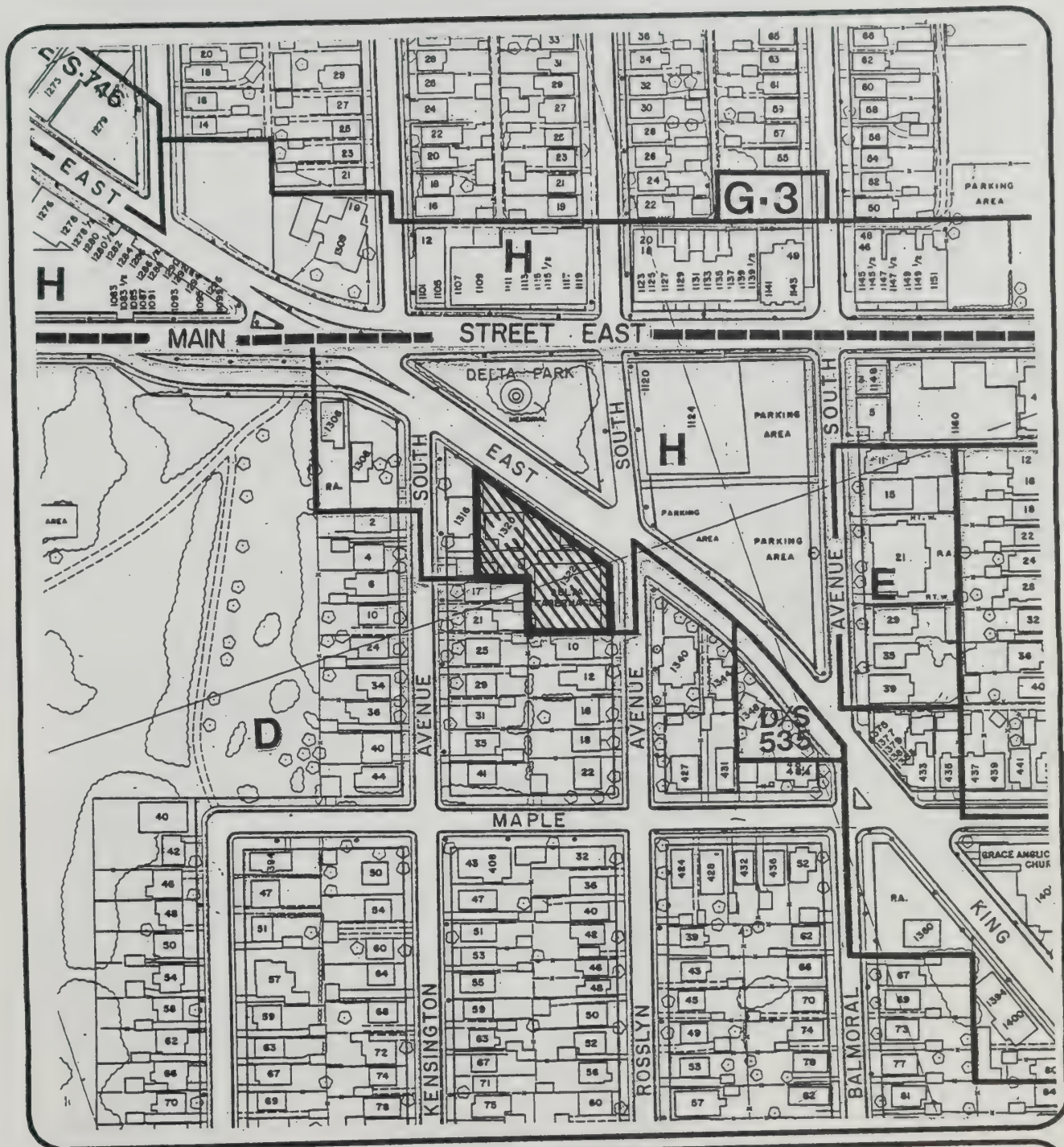
5. A specific requirement is introduced for a minimum amount of landscaped open space to be provided and maintained which will ensure the residents are provided with appropriate amenity space and the character of the streetscape is maintained.
6. The Traffic Division advises that they have no objections to the proposal but will require as a condition of Site Plan Approval, the applicant be required to enter into an amended Commercial Boulevard Parking Agreement to permit the additional space on Rosslyn Avenue.
7. The Development Engineering Section supports the rezoning but has expressed concern regarding vehicles backing out onto King Street East. It is their view that these situations be improved through development or redevelopment proposals. In this regard, they recommend that consideration be given to consolidating the parking and providing sufficient area on site for vehicles to turn around on the site and enter King Street in a forward manner. While this may be appropriate for



a "greenfields" proposal, in this case it is an existing situation which has functioned adequately for a number of years. Further, the provision of on-site parking and manoeuvring as suggested would necessitate the proposed addition having a smaller building envelope and a building higher than two storeys. Such a building would be out of character with the low profile development in this area.

**CONCLUSION:**

Based on the foregoing, the amended application can be supported.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

# Location Map

## Legend



Site of the Application

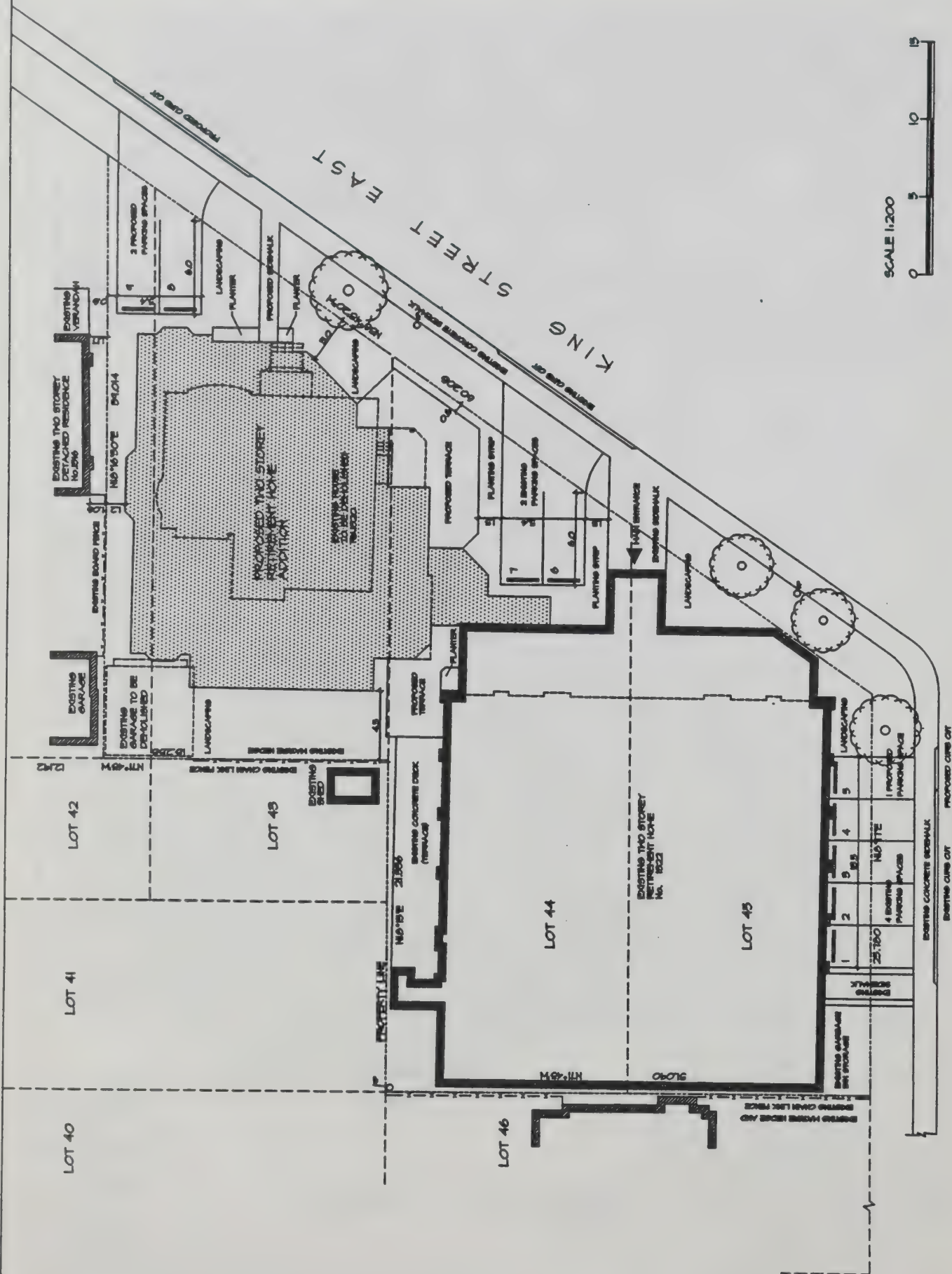
Reference file:  
**ZA-89-35**

Scale  
**Not to Scale**

Date  
**Oct, 1999**

Technician:  
**B. B.**

**APPENDIX 'A'**



ROSLYN AVENUE SOUTH



ROSSLYN PARKING STUDY  
9-16 OCTOBER 1999

| HOUR          | SATURDAY           |                     |                | SUNDAY             |                     |                | MONDAY             |                     |                | TUESDAY            |                     |                |
|---------------|--------------------|---------------------|----------------|--------------------|---------------------|----------------|--------------------|---------------------|----------------|--------------------|---------------------|----------------|
|               | SPACES<br>OCCUPIED | SPACES<br>AVAILABLE | %<br>AVAILABLE | SPACES<br>OCCUPIED | SPACES<br>AVAILABLE | %<br>AVAILABLE | SPACES<br>OCCUPIED | SPACES<br>AVAILABLE | %<br>AVAILABLE | SPACES<br>OCCUPIED | SPACES<br>AVAILABLE | %<br>AVAILABLE |
| 0100          | 2                  | 6                   | 75.00%         | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         |
| 0200          | 2                  | 6                   | 75.00%         | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         |
| 0300          | 2                  | 6                   | 75.00%         | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         |
| 0400          | 2                  | 6                   | 75.00%         | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         |
| 0500          | 2                  | 6                   | 75.00%         | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         |
| 0600          | 3                  | 5                   | 62.50%         | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         |
| 0700          | 3                  | 5                   | 62.50%         | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         |
| 0800          | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         | 3                  | 5                   | 62.50%         |
| 0900          | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 3                  | 5                   | 62.50%         |
| 1000          | 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         | 3                  | 5                   | 62.50%         |
| 1100          | 1                  | 7                   | 87.50%         | 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |
| 1200          | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |
| 1300          | 2                  | 6                   | 75.00%         | 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 1                  | 7                   | 87.50%         |
| 1400          | 2                  | 6                   | 75.00%         | 3                  | 5                   | 62.50%         | 4                  | 4                   | 50.00%         | 3                  | 5                   | 62.50%         |
| 1500          | 1                  | 7                   | 87.50%         | 5                  | 3                   | 37.50%         | 7                  | 1                   | 12.50%         | 6                  | 2                   | 25.00%         |
| 1600          | 1                  | 7                   | 87.50%         | 3                  | 5                   | 62.50%         | 7                  | 1                   | 12.50%         | 7                  | 1                   | 12.50%         |
| 1700          | 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 4                  | 4                   | 50.00%         | 2                  | 6                   | 75.00%         |
| 1800          | 2                  | 6                   | 75.00%         | 3                  | 5                   | 62.50%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |
| 1900          | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |
| 2000          | 2                  | 6                   | 75.00%         | 4                  | 4                   | 50.00%         | 3                  | 5                   | 62.50%         | 3                  | 5                   | 62.50%         |
| 2100          | 1                  | 7                   | 87.50%         | 3                  | 5                   | 62.50%         | 2                  | 6                   | 75.00%         | 3                  | 5                   | 62.50%         |
| 2200          | 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |
| 2300          | 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |
| 2400          | 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |
| DAILY AVERAGE | 1.67               | 6.33                | 79.17%         | 1.96               | 6.04                | 75.52%         | 2.38               | 5.63                | 70.31%         | 2.38               | 5.63                | 70.31%         |



ROSSLYN PARKING STUDY CONTINUED  
9-16 OCTOBER 1999

| WEDNESDAY          |                     |                | THURSDAY           |                     |                | FRIDAY             |                     |                |
|--------------------|---------------------|----------------|--------------------|---------------------|----------------|--------------------|---------------------|----------------|
| SPACES<br>OCCUPIED | SPACES<br>AVAILABLE | %<br>AVAILABLE | SPACES<br>OCCUPIED | SPACES<br>AVAILABLE | %<br>AVAILABLE | SPACES<br>OCCUPIED | SPACES<br>AVAILABLE | %<br>AVAILABLE |
| 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |
| 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |
| 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |
| 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |
| 1                  | 7                   | 87.50%         | 3                  | 5                   | 62.50%         | 2                  | 6                   | 75.00%         |
| 1                  | 7                   | 87.50%         | 3                  | 5                   | 62.50%         | 2                  | 6                   | 75.00%         |
| 1                  | 7                   | 87.50%         | 3                  | 5                   | 62.50%         | 3                  | 5                   | 62.50%         |
| 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 3                  | 5                   | 62.50%         |
| 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 4                  | 4                   | 50.00%         |
| 1                  | 7                   | 87.50%         | 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |
| 3                  | 5                   | 62.50%         | 3                  | 5                   | 62.50%         |                    | 8                   | 100.00%        |
| 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |                    | 8                   | 100.00%        |
| 2                  | 6                   | 75.00%         | 3                  | 5                   | 62.50%         |                    | 8                   | 100.00%        |
| 2                  | 6                   | 75.00%         | 4                  | 4                   | 50.00%         |                    | 8                   | 100.00%        |
| 3                  | 5                   | 62.50%         | 5                  | 3                   | 37.50%         |                    | 8                   | 100.00%        |
| 2                  | 6                   | 75.00%         | 3                  | 5                   | 62.50%         |                    | 8                   | 100.00%        |
| 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |                    | 8                   | 100.00%        |
| 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |                    | 8                   | 100.00%        |
| 4                  | 4                   | 50.00%         | 2                  | 6                   | 75.00%         |                    | 8                   | 100.00%        |
| 4                  | 4                   | 50.00%         | 2                  | 6                   | 75.00%         |                    | 8                   | 100.00%        |
| 4                  | 4                   | 50.00%         | 2                  | 6                   | 75.00%         |                    | 8                   | 100.00%        |
| 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |                    | 8                   | 100.00%        |
| 2                  | 6                   | 75.00%         | 2                  | 6                   | 75.00%         |                    | 8                   | 100.00%        |
| 3                  | 5                   | 62.50%         | 2                  | 6                   | 75.00%         |                    | 8                   | 100.00%        |
| 1.96               | 6.04                | 75.52%         | 2.46               | 5.54                | 69.27%         | 2.40               | 7.00                | 87.50%         |

4a)

## CITY OF HAMILTON RECOMMENDATION

**DATE:** 1999 November 29

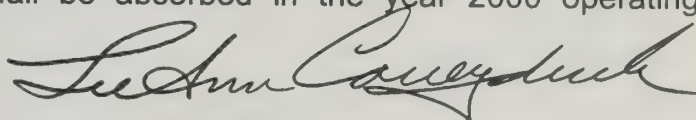
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning & Development Division

**SUBJECT:** Guideline for Identification, Assessment and Remedial  
Work Related to Problems in Masonry Buildings  
(99.2.4.2.1A) (PDC-99075)

### RECOMMENDATION:

- (a) That the Building Department be authorized and directed to hold a public meeting to present the report prepared by JNE Consulting Ltd., and Robert G. Drysdale, Ph.D., P.Eng., titled "Guideline for Identification, Assessment and Remedial Work Related to Problems in Masonry Buildings"; and,
- (b) That the Building Department be authorized and directed to hold a training seminar aimed at design professionals, consultants and contractors to share information on masonry construction, failure mechanisms and rehabilitation with the local construction industry; and,
- (c) That the Building Department be authorized and directed to commit up to \$50,000 to hire a consultant to assist property owners through a proactive investigation of the condition of existing high rise masonry buildings. This proactive approach is to start in Ward 2; and,
- (d) That additional revenues generated be used to offset the \$50,000 cost of consultants, and that any shortfall be absorbed in the year 2000 operating budget.



### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This project involves the hiring of a consultant at a cost of \$50,000 including GST. This cost to be absorbed in the proposed year 2000 budget. This new activity will generate additional revenue, which we estimate to be \$50,000. The proposed budget for the year 2000 will be modified to show an additional \$50,000 in expenses to be offset by additional revenue in the same amount hence there is no net impact on the year 2000 budget.

## **BACKGROUND:**

The City of Hamilton has had a number of masonry buildings that have suffered distress and failure over the last several years. In that there were a substantial number of buildings potentially involved. It was decided by the Building Department to hire a consulting engineer in order to prepare a report to assist in evaluating existing masonry buildings. This report was received on 1999 April 23 and has been reviewed since.

The City has a large inventory of high-rise brick buildings that were built in the 1960's and early 1970's. These buildings are reaching the stage in their life where they require major maintenance and their condition should be monitored on a regular basis.

The report prepared by JNE Engineering and Robert G. Drysdale will assist this Department as well as members of the community at large and the engineering and construction community in evaluating existing masonry buildings as well as determining a course of action to carry out any necessary repairs.

Recommendations will enable the Building Department to proceed with an educational outreach program. The public meeting is intended to raise public awareness and to give property owners some basic information and the training session will target engineers, architects, Building Officials and contractors. The other goal is to emphasize the owner's responsibility to keep their buildings safe through a program of periodic inspections and regular maintenance.

The proactive approach outlined in Recommendation (c) will address the public's concerns regarding the stability and safety of high-rise buildings in the City. The Building Commissioner is recommending this approach in light of the failures we have seen in the last few years and the fact that a substantial number of our buildings are in excess of three storeys in height, are masonry (brick) construction, and are reaching the point in their lives where major rehabilitation work is necessary.

LAC/LCK/dm  
Attach

c.c. - Allan Ross, Finance Department  
- Rand Roszell, Corporate Counsel



4 b)

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1999 November 25  
CI-83-B

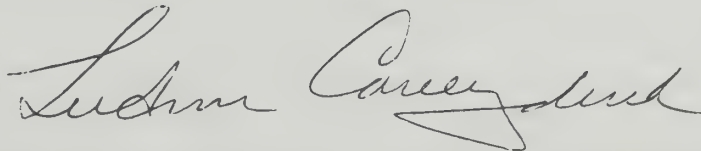
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Planning Application Fees (PDC99155)

### RECOMMENDATION:

That approval be given to City Initiative 83-B to amend the Planning Application Fees as shown on APPENDIX "A".



### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is anticipated that the new/revised fees will provide for an additional revenue of approximately \$15,000.00+ for the year 2000.

### BACKGROUND:

Consistent with the Corporate User Fee Policy, staff has reviewed the current planning fees and is recommending increases to certain fees and the establishment of new fees, where the provision of services **"Confer a direct and identifiable benefit..."** and **"Consumption of the service is voluntary and discretionary..."**, etc.

The following is a general description of those services where fee adjustments are recommended:

- **Land Division Consent Fee**

The current fee for severance applications is \$800.00. Application processing includes receiving, reviewing, circulation, report preparation and Land Division Committee meeting and approval. Comparatively, the current fee charged for Regional severance(s) is \$810.00 and is to be increased to \$825.00 for the year



2000. Considering the processes are identical and are administered by the same Division it would be appropriate to increase the fee to **\$825.00**.

- **Land Division Consent Application Re-Circulation Fee**

On occasion, Land Severance Applications are recirculated when applicants/agencies change the nature of the original application requiring more comments from circulated agencies. Presently, no fee is charged for this service by the City of Hamilton, whereas the Regional fee is \$100.00 (\$102.00 for 2000). As this is a direct cost, it would be appropriate to establish a new fee of **\$102.00**.

- **Land Division Deed Certification**

As part of the approval process for severances, the Secretary Treasurer is required to clear conditions of approval and issue a certificate on deeds, right-of-way documents, easements, mortgages or long-term leases. Presently, no fee is charged for this service by the City of Hamilton, whereas the Regional fee is \$100.00 (\$102.00 for 2000). As this is a direct cost, it would be appropriate to establish a new fee of **\$102.00**.

- **Land Division Consent Extension or Deferral**

On occasion, requests are received and presented to the Land Division Committee by the Secretary Treasurer for extension consideration. In addition, a letter has to be written and sent to the applicant advising them of the Committee's decision. Presently, no fee is charged for this service by the City of Hamilton, whereas the Regional fee is \$25.00 (no change for 2000). As this is a direct cost, it would be appropriate to establish a new fee of **\$25.00**.

- **Land Division Consent Appeal**

In accordance with the requirements of the Planning Act, where an application is appealed, the Secretary Treasurer prepares an appeal record for submission to the Ontario Municipal Board. Presently, no fee is charged for this service by the City of Hamilton, whereas the Regional fee is \$415.00 (\$425.00 for 2000). As this is a direct cost, it would be appropriate to establish a new fee of **\$425.00**.

Similarly, no fee is charged by the City of Hamilton for Committee of Adjustment (minor variance) appeals. However, since the initial application fee for minor variances is approximately ½ of that for severances (\$400.00 vs. \$800.00) a new fee of **\$210.00** should be established for Committee of Adjustment Appeals.

- **Subdivision/Condominium Application Maintenance Fee**

The Department is required to maintain subdivision/condominium files which have little or no activity. Such applications have to be filed, reviewed and updated for monthly and annual reports. Consistent with Regional practice, it would be appropriate to establish an annual Administration Fee of **\$210.00** for files over 3 years old.

- **Extensions to Site Plan Approval**

On occasion, the Department receives requests from applicants to extend the approval period for a Site Plan. This necessitates a review of the file and security estimates, and the preparation of a report to the Planning and Development Committee. Consistent with the City's practice respecting extension requests for Part Lot Control, it would be appropriate to establish a new fee of **\$255.00**.

#### **CONCLUSION:**

On the basis of the foregoing, it would be appropriate to amend the Planning Application Fees for the year 2000, as shown on the attached APPENDIX "A". It should be noted that other Planning Application Fees (e.g. Zoning Applications, Official Plan Amendments, Site Plan, etc.) were revised as of July 1, 1999, and will be adjusted effective January 2000 to reflect the 1999 Consumer Price Index for Toronto.

**APPENDIX "A"**  
**REVISED PLANNING FEES**

| <u>SERVICE</u>  | <u>CURRENT FEE</u> | <u>2000 FEE</u> |
|---|--------------------|-----------------|
| 1. Land Division Consent Fee  | \$800              | \$825           |
| 2. Land Division Consent<br>Application Re-Circulation<br>Fee                             | N/A                | \$102           |
| 3. Land Division Deed<br>Certification  | N/A                | \$102           |
| 4. Land Division Consent<br>Extension or Deferral   | N/A                | \$ 25           |
| 5. Land Division Consent Appeal   | N/A                | \$425           |
| 6. Committee of Adjustment<br>Appeal  | N/A                | \$210           |
| 7. Subdivision/Condominium<br>Application Maintenance Fee<br>(for files over 3 years old) | N/A                | \$210           |
| 8. Extensions to Site Plan Approval   | N/A                | \$255           |

4c)

## **CITY OF HAMILTON - RECOMMENDATION -**

**DATE:** 1999 December 1  
CI-95-E

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** LeeAnn Coveyduck  
General Manager, Community Planning and Development Division


**SUBJECT:** Streamlining of Land Development Department Approvals Processes  
(PDC99153)

### **RECOMMENDATION:**

- i) That the General Manager, Community Planning and Development Division, or designate, be delegated consent granting authority for those applications for consent that are for the purpose of creating servicing or maintenance easements;
- ii) That the General Manager, Community Planning and Development Division, or designate, be assigned the authority to grant a provisional consent, in accordance with the Planning Act and regulations thereunder, where the application complies with all of the applicable provisions of the City of Hamilton Zoning By-law No. 6593 and the application is not in dispute or where any dispute is resolved without a hearing;
- iii) That the General Manager, Community Planning and Development Division, or designate, be granted the authority to prepare and present to City Council by-laws to exempt lands from Part Lot Control where the exempting by-law is required to implement the conditions of draft plan approval;
- iv) That the General Manager, Community Planning and Development Division, or designate, be granted authority to recommend conditions of draft plan approval for plans of condominium for new development;
- v) That the approval for applications for Site Plan Control be transferred to the General Manager, Community Planning and Development Division, or designate, as follows:
  - a) for those applications where the Site Plan application is recommended for approval and the applicant is in agreement with the proposed conditions of Site Plan Approval;
  - b) for an amendment to an approved site plan for those applications where the



- c) applicant has no objection to the proposed conditions of approval; and, for an extension to the approvals period for an approved site plan for those applications where the applicant has no objection to the proposed conditions of approval;
- vi) That the General Manager, Community Planning and Development Division, or designate, be authorized to recommend approval for applications for the extension of a draft approved plan of subdivision or condominium;
- vii) That the approval of engineering schedules, cost sharing arrangements and the associated subdivision agreements be delegated to the General Manager, Community Planning and Development Division, or designate, as an assigned signing officer for the City of Hamilton;
- viii) That in those circumstances where the owner of a subdivision wishes to proceed with construction of the required infrastructure in accordance with the conditions of Draft Plan Approval for a Plan of Subdivision prior to final execution of a subdivision agreement with the City, that the owner be allowed to do so at their own risk provided that they enter into a standard pre-servicing agreement with the City of Hamilton;
- ix) That the Mayor and Municipal Clerk be authorized and directed to execute City Pre-Servicing agreements, providing such agreements are in a form satisfactory to the Corporate Counsel;
- x) That the amount of 5% payment as cash-in-lieu of parkland dedication in subdivisions be calculated by the Property Department and collected through subdivision agreements without submission to Council;
- xi) That the General Manager, Finance, or his/her designate, be authorized and directed to close Subdivision Capital Project accounts, upon notice from the General Manager, Community Planning and Development, or his/her designate, that all payment of all servicing costs from these accounts are complete and no further payments by the City are required;
- xii) That the General Manager, Finance, or his/her designate, be authorized and directed to transfer all excess funding from closed Subdivision Capital Project accounts to the original source of funding; and,
- xiii) That the General Manager, Community Planning and Development Division, be authorized and directed to prepare a monthly status report with respect to the above mentioned items in terms of activity in these delegated functions.



### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Based on the Community Planning and Development Division Restructuring and Business Plans, there are a number of streamlining measures which need to occur in order to maintain service levels in a cost-efficient manner. The recommended course of action leads to more assignments of mainly routine consent items which require very little discussion, if any, at the Standing Committee and Council level. Also, standardized Council policy and procedures are in place for staff to follow without direct consultation with Council. In addition, all statutory (i.e. Planning Act) requirements will be complied with and all public notification procedures will be maintained.

Moreover, there are economic and competitive advantages (i.e. time for approvals, positive image, proactive, customer friendly) which will accrue to the City which would keep us in step with other surrounding municipalities in the Halton and Peel areas.

### **BACKGROUND:**

As a result of the amalgamation of the City and Regional administration, Community Planning and Development Division staff have undertaken a detailed best practises review of planning and development engineering operations to identify streamlining measures to increase efficiencies of operations and harmonize practises between City and Regional functions.

The following planning and development engineering functions have been identified as appropriate for streamlining measures by assigning approval authority to staff:

- Application for Consent (Severance);
- Application for approval of a description of a plan of condominium (greenfield sites);
- Application for exemption from part-lot control and extension of part lot control by-laws;
- Application for site plan approval;
- Extensions of Draft Plan Approval for Plans of Subdivision;
- That the approval of engineering schedules, cost sharing arrangements and the associated subdivision agreements be delegated to the General Manager, Community Planning and Development Division;
- The approval of 5% cash-in-lieu payments; and,
- The closure of subdivision capital accounts.



## 1.0 DEVELOPMENT PLANNING FUNCTIONS

### 1.1 APPLICATION FOR CONSENT (SEVERANCES)

#### 1.1.A) Process proposed for Change

Applications for consent (severance, creation of easements and rights-of-way) are approved by the Committee of Adjustment under Section 53 of the Planning Act.

#### 1.1.B) Reasons for Change

City Council has delegated its consent granting authority to the Committee of Adjustment. All applications for consent to convey a parcel of land are dealt with by the Committee of Adjustment. Applications can be to either create a new building lot or to sever off a parcel of land to be joined with the abutting lands for the purposes of land assembly. Applications for consent are reviewed for conformity with the Official Plan, Neighbourhood Plan, Zoning By-law and municipal engineering standards. Public notice of a consent application is given by posting a sign on the subject lands and by first class mail to the immediate surrounding property owners. Consent applications are often associated with other development applications which are subject to detailed staff review, Council approval and may or may not include a public meeting of the Planning and Development Committee (i.e. rezoning application and/or subdivision application).

Section 54(2) of the Planning Act permits the delegation of the authority to grant consents to an **"appointed officer identified in the by-law."** The City of London has adopted this structure as a streamlining measure. In London, consents are dealt with by an **"appointed"** official not by the Committee of Adjustment or Land Division Committee. The official holding the Consent Authority appointment is also the Secretary-Treasurer of the Committee of Adjustment.

The provisions of the Planning Act and Ontario Regulation 197/98 (as amended) require that notice of an application for consent provide the following information:

- An explanation of the purpose and effect for the application for consent;
- A description of the land or key map showing the location of the land which is the subject of the consent application; and,
- When and where additional information regarding the application will be available to the public for inspection.

**There are no statutory requirements pertaining to the time and date as to when the application for consent will be considered by the approval body.**

The City of Burlington has delegated consent granting authority to the Director of

Planning where the application is not in dispute or where the dispute can be resolved through a mediation process. The City of Burlington has advised that the following process is followed:

- Upon receipt of an application for consent, the application is circulated and notice is given to the abutting property owners in accordance with the Planning Act.
- If the application complies with the Zoning By-law, and no objections are received, then the application is forwarded to the Director of Planning for approval.
- If objections to the application are received, then the application is scheduled for the next available Committee of Adjustment meeting to hear the application. Notice of the meeting is only given to those parties who have submitted in writing a letter of objection to the proposed consent.

In addition, staff can change the conditions of approval where such changes are minor in nature in accordance with the applicable provisions of the Planning Act.

#### 1.1.C) Proposed Change

Where an application for consent complies with the Official Plan, Neighbourhood Plan and Zoning By-law, and no objections have been received from the abutting property owners, then approval from the Committee of Adjustment should not be required.

Where an application for consent is for the purpose of creating servicing or maintenance easements which are required as a condition of another municipal approval (e.g. subdivision agreement, site plan agreement), then there should be no additional Council approval required.

Delegation of consent granting authority to staff would streamline the process. City staff could prepare a monthly/quarterly report to P&D/Council highlighting the consent applications approved by staff.

### 1.2 APPLICATION FOR EXEMPTION FROM PART LOT CONTROL AND EXTENSION OF PART LOT CONTROL BY-LAWS

#### 1.2.A) Process proposed for Change

Applications for exemption from part lot control and extension to a part lot control by-law are approved by City Council.

#### 1.2.B) Reasons for Change

Removal of "part-lot" control is a mechanism provided for under the Planning Act to permit minor division of land or the creation of maintenance easements. Part lot control can only be used for lands within a registered plan of subdivision. It is the City's practise to restrict the effective period of part lot control by-laws to one (1) year.



The "R-4" District permits a zero-lot line along one side yard of a single family dwelling. The City of Hamilton Subdivision Agreement requires that the developer apply for, and receive approval for, a by-law to exempt the subject lands from the provisions of part lot control for the purpose of establishing maintenance easements for zero-lot line single family dwellings.

At the present time, Community Planning and Development Department staff are required to circulate the application, prepare a report and ensure that the by-law is presented to Council for adoption. These are "routine" consent items on the P&D agenda and are invariably approved.

In approving the subdivision and zoning application, City Council has imposed the requirement for the creation of the maintenance easements. The part-lot control application is the mechanism for the implementation of Council's requirement. As the maintenance easements are required prior to the selling of the house to the homebuyer, the processing of these applications can have an effect on property transactions.

Prior to the expiration of the effective period of a part lot control by-law, the property owner can apply for an extension. Extensions are usually required due to market conditions and are approved only for the lots still in the developer's possession. These extensions are approved by City Council and require the preparation of a staff report and implementing by-law. As the extension approval is for a continuation of a previously approved application, this process can be characterized as an administrative process.

It is noted that of the 27 part lot control applications processed since 1996, all have been approved by the Planning and Development Committee.

A public meeting is not required prior to the passage of a part lot control by-law. Therefore, it is appropriate to establish policies regarding the use of a part lot control by-law for the purpose of lot creation. In this regard, it is appropriate for staff not to process any requests for exemption from part-lot control which will have the effect of creating additional lots within existing communities, or to re-align lots within existing residential plans of subdivision to create additional building lots, unless the development proposed under the exemption from part-lot control request has been subject to a previous planning application (e.g. rezoning), which clearly indicates the proposed changes to the lot configuration and which involves public participation.

#### 1.2.C) Proposed Change

Where a part-lot control application is required to implement the conditions of draft plan approval/City of Hamilton subdivision agreement and the Zoning By-law, then the application is an administrative matter. Therefore, there should be no additional

Council approval required. As these are "routine consent" items, approval of part-lot control applications and the extension of existing part lot control approvals should be delegated to staff. Staff would prepare a by-law for presentation to Council for adoption to implement the part-lot control application.

A monthly information report could be prepared in order to inform P&D/Council which part lot control applications have been approved.

### **1.3 APPLICATION FOR APPROVAL OF A DESCRIPTION OF A PLAN OF CONDOMINIUM ("GREENFIELD SITES")**

#### **1.3.A) Process Proposed for Change**

Applications for approval of a description of a plan of condominium or revisions to a draft approved plan of condominium, are approved by City Council.

#### **1.3.B) Reasons for Change**

The Region of Hamilton-Wentworth is the approval authority for plans of condominium. The City of Hamilton is consulted and Council recommends to the Region approval of a plan of condominium, subject to the applicable conditions of draft plan approval.

The condominium application represents the last stage in the planning review process. A condominium application cannot be made until the building is under construction to accurately survey the common and exclusive use portions of the development. In addition, the subject lands have often been through a rezoning/subdivision process and are required to go through site plan review prior to the issuance of a building permit. Whereas the zoning and site plan review deal with built form issues, the condominium review process deals with "**tenure**" issues.

As part of the standard conditions of draft plan approvals, condominium applications must comply with the Zoning By-law and the approved Site Plan. As such, the development has already been approved by City Council through a site specific rezoning application or the development has been approved in accordance with municipal planning and engineering requirements at the site plan control stage.

Due to market conditions, condominium development often occurs in phases or the unit design is revised. Depending on the nature of the changes, a revised plan of condominium may be required. The revisions are usually consistent with the general intent of the original approval and must comply with the Zoning By-law and the approved Site Plan for the subject lands.



### 1.3.C) Proposed Change

Where an application for approval of a condominium description, or revision to a draft approved plan, complies with the Official Plan, Neighbourhood Plan, Zoning By-law and approved site plan, then no additional Council approvals should be required. Rather, the General Manager of Community Planning and Development should be able to prepare the recommended City of Hamilton conditions of draft plan approval and forward them to the Region for inclusion in the draft plan approval.

A monthly information report could be prepared in order to inform P&D/Council which condominium applications have been approved.

## 1.4 APPLICATION FOR SITE PLAN APPROVAL

### 1.4.A) Processes proposed for Change

Applications for Site Plan Approval are approved by the Chairman and the Ward Alderman of the Planning and Development Committee. In addition, the Secretary, Planning and Development Committee is required to sign the approved plans.

Applications for an amendment to an approved Site Plan are approved by the Chairman and the Ward Alderman of the Planning and Development Committee. In addition, the Secretary, Planning and Development Committee is required to sign the approved plans.

Applications for extension to Site Plan approval are approved by the Planning and Development Committee.

### 1.4.B) Reasons for Change

Multiple-family residential, commercial, institutional and light-industrial development are subject to site plan control. Site Plan Control deals with projects on a site-by-site basis. Many site plan applications deal with minor matters that are not contentious. Site plans must comply with the Zoning By-law, urban design guidelines (where applicable) and municipal engineering requirements. In addition, conceptual site plans are often submitted with a rezoning application and, as such, are presented at the public meeting of the Planning and Development Committee to consider the proposed change in zoning.

Upon receipt of a Site Plan Control application, the Ward Aldermen are advised that an application has been made and that plans are available for their inspection to ensure that local/ward interests are addressed as part of the site plan review process. Furthermore, where it is required Development Planning staff will meet with the Ward Alderman to discuss issues identified as part of the site plan review/circulation process associated with the application and identify options to



address the issues.

Where a proposed site plan complies with municipal planning and engineering requirements, then the site plan is recommended for approval.

In response to changing circumstances, proponents may apply to amend their approved site plan. The amendments may be to revise the exterior building façade, unit size and design or building configuration on the lot. These applications are reviewed for compliance with the Zoning By-law, urban design guidelines (where applicable) and municipal engineering requirements. If the proposed amendment is satisfactory, then the application is recommended for approval.

In 1998 and 1999 to date, 96% of the site plan applications were approved by the Chairman and Ward Alderman based on the staff recommendation and only 4% of the applications were referred to Planning and Development Committee for approval. All of these applications were subsequently approved by the Committee. In all cases, staff recommended approval of the application subject to the necessary revisions (i.e. revised grading plan).

Under the provisions of the City of Hamilton site plan control by-law, the site plan agreement must be registered on title within two (2) years of the approval of the site plan. The applicant can request an extension to the approvals period. Site Plan approval extensions are approved by the Planning and Development Committee. If the site plan agreement is not registered within the 2 year period, and an extension request has not been made, then the approval lapses and the applicant is required to submit a new application for site plan approval.

Community Planning and Development Division staff presently prepare an information report to the Planning and Development Committee regarding all site plans approved in a given month.

Several municipalities have delegated site plan approval to staff. In the City of London, site plan approvals are generally completed by staff, however, some approvals are considered by City Council after a public participation meeting at Planning Committee. In the City of Mississauga, site plan approval has been delegated to planning staff. Where the staff recommendation is disputed by the applicant, then the matter is referred to Council.

#### 1.4.C) Proposed Change

Where a proposed site plan complies with municipal planning and engineering requirements, then the site plan is recommended for approval. Where a site plan is recommended for approval and the applicant has no objection to the conditions of approval, then there should be no additional Council approval required.

Where an amendment is proposed to an approved site plan, and the amendment complies with municipal planning and engineering requirements, then the site plan amendment application is recommended for approval. If all parties are in agreement with the amended application and conditions of approval, then there should be no additional Council approval required.

Where a request for extension of an approved site plan has been received, and the applicant is not proposing any modification to the approved plan, then no additional Council approvals should be required. Rather, this function should be delegated to the General Manager, Community Planning and Development Division. The current practise of notifying the applicable Ward Alderman of receipt of a Site Plan Application shall continue.

Community Planning and Development Division staff presently prepare an information report to the Planning and Development Committee regarding all site plans approved in a given month.

### **1.5 APPLICATION FOR EXTENSION OF DRAFT PLAN APPROVAL FOR PLANS SUBDIVISION AND CONDOMINIUM**

#### **1.5.A) Processes proposed for Change**

Draft plan approval, for plans of subdivision and condominium submitted prior to 1983 or after March 28, 1995, lapses unless a request is made by the applicant for an extension to draft plan approval. As the original subdivision application and conditions of draft plan approval, were approved by City Council, requests for extension of draft plan approval are also approved by City Council.

#### **1.5.B) Reasons for Change**

Prior to 1983, under the provisions of the Planning Act, if the conditions of draft plan approval were not met within 3 years, then the draft plan approval of a plan of subdivision or condominium would lapse. This provision was re-incorporated into the Planning Act as a result of the final recommendations of the Commission on Planning and Development Reform in Ontario. The lapsing provision was identified as being an important mechanism to provide a degree of certainty regarding development, especially in those cases where there is a constraint on infrastructure.

Within the City of Hamilton, there are 22 active subdivision/condominium files that are subject to the lapsing provisions of the Planning Act. Extensions to draft plan approval are usually requested due to the phasing of development, market conditions or other circumstances beyond the control of the applicant (i.e. the extension of services to the subject lands). Upon receipt of a request for an extension to draft plan approval, Community Planning and Development Division staff review the existing conditions of draft plan approval to determine if they are still



applicable. Where no changes are required to the original conditions of draft plan approval are still applicable, then the request for an extension of draft plan approval is approved for a period of up to 3 years.

#### 1.5.C) Proposed Change

Where an application for extension of draft plan approval has been made, and there are no changes to the original conditions of draft plan approval, then there should be no additional Council approval required. Rather, the General Manager of Community Planning and Development should be able to prepare a response to the request for extension of draft plan approval, on behalf of City Council, and forward them to the Region for inclusion in the draft plan approval.

A monthly information report could be prepared in order to inform Council which condominium applications have been approved.

## **2.0 DEVELOPMENT ENGINEERING SECTION FUNCTIONS**

### **2.1 EXECUTION OF SUBDIVISION AND MODIFIED SUBDIVISION AGREEMENTS**

#### 2.1A) Process Proposed for Change

The Mayor and the Municipal Clerk have been authorized by City Council to execute City subdivision agreements and modified subdivision agreements. In addition, City Council must approve engineering schedules showing cost estimates of works to be constructed under the subdivision agreement, the approval of the City's share of servicing costs for works to be constructed under the required subdivision agreement or modified subdivision agreement.

#### 2.1B Reasons for Change:

City Council approves all draft plan conditions for subdivision applications within the City of Hamilton. In approving each subdivision application, Council endorses a standard condition, which requires a developer to execute a subdivision agreement with the City of Hamilton. As Council has approved the requirement to enter into a subdivision agreement, it should not be necessary for staff to seek further Council approval to authorize the City's signing officers to execute a subdivision agreement. By executing a subdivision agreement staff are carrying out Council's direction from the draft plan approval stage.

Similarly, with regard to subdivision cost sharing by the City, Council approves a budget for all City expenditures each year. Part of the budget includes an approved amount for the City's share of servicing costs in subdivisions (City's Share of Services Through Unsubdivided Lands Reserve). Therefore, if Council has previously approved an amount to be spent on subdivision construction for a particular year, it should not be



necessary for staff to seek further Council approval for the City's share of construction in each subdivision that is developed in the same year, provided the amount of the City's share in each subdivision is within the approved capital budget amount. If the amount of the City's share of construction in subdivisions were to exceed the approved capital budget, then staff would seek Council approval for the additional expenditure.

Approval of development construction costs and execution of the subdivision agreement are generally routine in nature and historically Council has regularly approved these items.

In 1996 Regional Council granted authorization for the Region's signing officers to execute the Region's development agreements and cost share for construction based on the same criteria recommended in this report with no further approval by Council. This helped to expedite the subdivision agreement process by eliminating delays of up to six weeks, between council dates. The process on the Regional side has worked very well with no problems occurring financial or otherwise. In order to keep Council informed of all development agreements entered into by the corporation, development staff prepares a quarterly information report for review by Council.

#### 2.1C Proposed Change:

Rather than City Council approving engineering schedules, cost sharing arrangements and the associated subdivision agreements, it is proposed that this approval function be delegated to designated signing officers to harmonize the approvals function between the City and the Region.

## **2.2 PRE-SERVICING AGREEMENTS**

### 2.2A) Process Proposed for Change:

Authorization for the City to enter into a pre-servicing agreement for subdivisions

### 2.2B) Reasons for Change

Delegation of authority to enter into and execute pre-servicing agreements will greatly streamline the development approval process for construction of works when timing is most critical to developers.

Execution of the pre-servicing agreement places all liability and risk for construction of works in the hands of a developer. It also binds the developer to execute a subdivision agreement with the City and satisfy all requirements financial and otherwise under the agreement prior to registration of the plan and thus the creation of any lots.

Construction of subdivision servicing does not take place until after a subdivider has signed a subdivision agreement with the City and deposited the appropriate cash

and letter of credit, required under the agreement, with the Finance Department.

In some cases a subdivider may have to service a subdivision before the City subdivision agreement is available for execution. Often, this is to expedite the construction process in order to complete installation of road works before the end of the construction season when frost prevents these works from taking place.

### 2.2C Proposed Change:

That in the event an owner of a subdivision wishes to proceed with construction of the required infrastructure in accordance with the conditions of Draft Plan Approval for a Plan of Subdivision prior to final execution of a subdivision agreement with the City, the owner be allowed to do so at their own risk provided that they enter into a standard pre-servicing agreement with the City.

That the Mayor and Municipal Clerk be authorized and directed to execute City Pre-Servicing agreements, providing such agreements are in a form satisfactory to the Corporate Counsel.

## **2.3 CASH-IN-LIEU OF PARKLAND**

### 2.3A Process Proposed for Change

Council approval is required for a cash payment in lieu of the 5% parkland dedication for lands within a plan of subdivision

### 2.3B Reason for Change

The size and location of municipal parks are identified in the applicable neighbourhood plan. Where a plan of subdivision includes lands identified for park purposes in the neighbourhood plan, then the subdivider is required to dedicate to the City of Hamilton the land required for municipal park purposes. Where the parklands are outside of the proposed plan of subdivision, then the subdivider is required to make a cash-in-lieu payment equivalent to the City of Hamilton for parkland acquisition (i.e. a 5% cash-in-lieu payment). The 5% cash payment is made a condition of draft plan approval.

At the time of preparation of the City of Hamilton Subdivision Agreement, Development Engineering staff prepare a report for Council for each subdivision application. Approval of the 5% cash in lieu of parkland dedication is routine in nature and historically Council has regularly approved these items.

The principal of collecting cash or land is established by Council in approving draft plan conditions for a subdivision application. In approving each subdivision application, Council endorses a standard condition which requires a developer to make a cash payment to the City in lieu of 5% parkland dedication for those subdivisions where no land is being conveyed for parks.



It should therefore not be necessary for staff to seek further Council approval for the monetary value when the requirement to collect has been previously approved by Council at the draft plan stage. The Property Department's appraisal is based on criteria stipulated in the Planning Act. The monetary value is calculated in accordance with established appraisal standards and should not require Council approval unless the subdivider disagrees with the Property Department's appraisal.

### 2.3C Proposed Change

That the amount of 5% payment as cash-in-lieu of parkland dedication in subdivisions be calculated by the Property Department and collected through subdivision agreements without submission to Council.

## **2.4 CLOSURE OF SUBDIVISION CAPITAL PROJECT ACCOUNTS**

### 2.4A Process Proposed for Change

Council authorization for staff to close subdivision capital project accounts for the City's share of servicing costs in subdivisions

### 2.4B Reason for Change

Financing for the City's share of construction cost in subdivisions is funded from the City's Share of Services Through Unsubdivided Lands Reserve. Each year Council approves a budget amount for this reserve. A capital project account is established by Finance for each subdivision, which requires cost sharing for construction, by the City. The City's share of construction is transferred from the reserve to the capital account to make payments for each subdivision.

When payment of the City's share of construction is complete and there are no further payments to be made, the subdivision account becomes inactive. Currently the General Manager of Community Planning and Development is required to obtain Council approval to authorize the General Manager of Finance to close the inactive accounts. Excess monies from the inactive account are transferred back to the City's Share of Services Through Unsubdivided Lands Reserve.

As the accounts to be closed have no impact on the overall budget for subdivision expenditures, the process of closing inactive subdivision accounts is essentially a housekeeping exercise and should not require approval by Council. Staff are proposing, at this time, that the General Manager of Finance be authorized and directed to close inactive subdivision capital accounts on the advice of the General Manager of Community Planning and Development once the accounts have become inactive.



2.4C Proposed Change

That the General Manager, Finance, or his/her designate, be authorized and directed to close Subdivision Capital Project accounts, upon notice from the General Manager, Community Planning and Development, or his/her designate, that all payment of all servicing costs from these accounts are complete and no further payments by the City are required.

That the General Manager, Finance, or his/her designate, be authorized and directed to transfer all excess funding from closed Subdivision Capital Project accounts to the original source of funding

SR/MI/sr



CONSENT AGENDA**PLANNING AND DEVELOPMENT COMMITTEE****Wednesday, December 8, 1999****9:30 o'clock a.m.****Room 233, City Hall****A. ADOPTION OF THE MINUTES**

- (a) Minutes of the meeting held November 24, 1999
- (b) Minutes of the special meeting held November 30, 1999

**B. ACTING COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

Westdale Village B.I.A. – Proposed Budget and Schedule of Payment for 2000 (PWT99084)

**C. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT DIVISION**

- (a) Demolition of 112-114 & 116 Wellington Street North (PDC99148)
- (b) Parkway Manor Phase 1, and Woodland Meadows – Cash in lieu of 5% Parkland Dedication (PDC99150)
- (c) Site Plan Control Application DA-99-46 for 100 Beddoe Drive (Lapp Property) (PDC99151)
- (d) Authorization for Staff Attendance at Ontario Municipal Board hearing- 120 Walter Avenue North (PDC99154)

**D. GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION**

- (a) Hamilton Emergency Loan Program, 223 Broadway Avenue (HSB99009)
- (b) Commercial Property Improvement Loan Program, 164 ½ King Street East (HSB99010)

**E. SECRETARY, SELECTION COMMITTEE**

Appointment of members to CAPIC and LACAC





A.a)

Wednesday, November 24, 1999  
Room 233, City Hall  
9:30 o'clock a.m.

**The Planning and Development Committee met.**

**There were present:**

- Alderman F. D'Amico, Chairperson
- Alderman G. Copps, Vice Chairperson
- Mayor R. Morrow
- Alderman F. Eisenberger
- Alderman M. Caplan
- Alderman B. Kelly
- Alderman D. Haining
- Alderman R. Corsini,
- Alderman B. Charters

**Also present:**

- Alderman D. Wilson
- Alderman T. Jackson
- Alderman A. Horwath
- Lee Ann Coveyduck, General Manager, Community Planning and Development Division
- Guy Paparella, Planning and Development
- Paul, Mason, Planning and Development
- Paul Mallard, Planning and Development
- Joanne Hickey Evans, Planning and Development
- Bill Janssen, Planning and Development
- Eugene Chajka, Planning and Development
- P. Lampman, Building Department
- Ed Switinky, Public Works and Traffic
- Charlie Guthro, Acting Commissioner of Public Works and Traffic Department
- Dave Powers, Corporate Counsel
- Tina Agnello, Secretary

**PUBLIC MEETING.**

1. **Subdivision Application 99-03 (Chapple East Estates) and Zoning Application 99-34, by Fenestra Investments Limited (c/o L. Szpirglas), owner, for lands located south of Rymal Road East and east of the Ontario Hydro corridor (PDC99125).**

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Paul Mallard reviewed the report for the Committee. Of 16 notices circulated, there were no replies.

Al Fletcher of A.J. Clarke and Associates was present on behalf of the applicant.

As recommended by the General Manager, Community Planning and Development Division, in a report dated November 11, 1999 the Committee recommended to Council as follows:

- A. (a) That approval be given to Subdivision Application 99-03, (Regional File No. 25T-99008), Fenestra Investments Limited (c/o L. Szpirglas), owner to establish a draft plan of subdivision "Chappel East Estates", on lands located south of Rymal Road East and east of the Ontario Hydro corridor in the Chappel East Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- (i) That this approval apply to the plan prepared by A.J. Clarke and Associates Ltd. and certified by B.J. Clarke, O.L.S., dated August 18, 1999, showing 45 lots for single detached dwellings, 1 block for road widening purposes, 4 blocks being 0.30 m reserves, and three streets, attached as Appendix "B";
  - (ii) That the owner prepare and submit, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, a municipal street numbering plan;
  - (iii) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;
  - (iv) That the final plan conform with the Zoning By-law approved under the Planning Act;
  - (v) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;
  - (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
  - (vii) That the Owner agree to include the following warning clause to be registered on title of Lots 1 – 6, inclusive, and Lot 45 within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director, Land Development Department, Community Planning and Development Division and the Corporate Counsel:  
  
*"Purchasers are advised that noise levels originating from Rymal Road East may become of concern, occasionally interfering with some activities of the occupant."*
  - (viii) That the applicant/owner dedicate Block 46 on the submitted draft plan, which is shown as a 3.05 metre road widening to the Region of Hamilton-Wentworth by Certificate on the Final Plan for road widening purposes;
  - (ix) That the 0.30 metre reserves, shown as Blocks 47 and 48 on the submitted draft plan be established and dedicated to the Region of Hamilton-Wentworth by deed;
  - (x) That the 0.30 metre reserves, shown as Blocks 49 and 50 on the submitted draft plan be established and dedicated to the City of Hamilton by deed;
  - (xi) That the owner satisfy all requirements, financial and otherwise of the City of Hamilton and the Region of



Hamilton-Wentworth prior to the development of any portion of these lands to the satisfaction of the General Manager, Community Planning and Development Division;

- (xi) That the owner enter into a Subdivision Agreement with the City of Hamilton and the Regional Municipality of Hamilton-Wentworth to the satisfaction of the General Manager, Community Planning and Development Division;
- (xii) That no portion of these lands is allowed to develop before the construction of storm and sanitary sewers to service these lands directly;
- (xiii) That the owner dedicate 2.0 metre x 2.0 metre daylight triangles at all "L" shaped streets;
- (xiv) That the "eye-brow" transitions along the street line adjacent to Lots 31, 35 and 36 be revised to 9.0 metre radius to the satisfaction of the Manager, Development Engineering Section, Community Planning and Development Division;
- (xv) That prior to final registration of the plan of subdivision, or any construction or grading on the subject property, the proponent shall submit the following plans or reports to the General Manager, Community Planning and Development Division:
  - 1. plans that show existing and proposed site grades and drainage;
  - 2. detailed stormwater management plans which show how stormwater will be conveyed from the site and conducted to a receiving waterbody. Such plans shall address water quality issues in accordance with recognized best management practices (BMPs) and the "Stormwater Management Practices Planning and Design Manual", MOEE, June 1994; and,
  - 3. erosion and siltation control plans, which show how exposed soils, sediments and eroded materials, will be retained on site during all phases of construction. Plans should include maintenance requirements for all employed devices;
- (xvi) That the owner shall agree in the executed subdivision agreement with the City, in wording acceptable to the General Manager, Community Planning and Development Division:
  - 1. to carry out or cause to be carried out the works identified in the grading plans, stormwater management plans and erosion and siltation control plans, to the satisfaction of the General Manager, Community Planning and Development Division; and,
  - 2. to maintain all stormwater management and erosion and sedimentation control structures in good repair and operating order during the construction period, in a manner satisfactory to the General Manager, Community Planning and Development Division;

- (xvii) That the owner dedicate sufficient lands to the City of Hamilton for Park purposes under the first phase of development with suitable access by Public Highway to the satisfaction of the General Manager, Community Planning and Development Division;
  - (xviii) That the owner dedicate sufficient lands to the City for the installation of a temporary turning circle at the south limit of Street "C" and that provisions be made under the City subdivision agreement for security to provide for the removal of the temporary turning circle when required;
  - (xix) That the owner provide confirmation from Ontario Hydro that the location of the extension of Street B westerly through their Corridor is to their satisfaction and that the clearances from the overhead wires, Hydro Towers, Hydro Poles and lines and the proposed road are to their satisfaction. The location of all Hydro Towers, Poles and Pole Lines must be clearly shown on the engineering drawings submitted for approval to the satisfaction of the Manager, Development Engineering Section, Land Development Department;
  - (xx) That the owner agree in writing that access to Lots 1 and 45 are to be located outside of the daylight triangle at the intersection of Street B and Rymal Road to the satisfaction of the Manager, Development Engineering Section, Community Planning and Development Division;
  - (xxi) That any phasing of this development and any temporary works required to accommodate the same, be to the satisfaction of the Manager, Development Engineering Section, Community Planning and Development Division;
  - (xxii) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the Region of Hamilton-Wentworth and the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAC-99-03/25T-99008), "Chappel East Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met.
  - (c) That the City Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division of Council's decision.
- B. That approval be given to amended Zoning Application ZAC-99-34, Fenestra Investments Limited (c/o L. Szpirglas), owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and "C" (Urban Protected Residential, etc.) District, modified (Block 2) to permit the use of the subject lands for single detached residential uses, for lands located south of Rymal Road East and east of the Ontario Hydro corridor in the Chappel East Neighbourhood, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (a) That Blocks "1" and "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

- (b) That the "C" (Urban Protected Residential, etc.) District regulations, contained in Section 9. of Zoning By-law No. 6593, applicable to Block "2" be modified to include the following variance as a special requirement:
  - 1. That notwithstanding Section 9.(4) of Zoning By-law No. 6593, every lot shall have a width of at least 11.4 metres, and an area of at least 340.0 square metres within the district;
- (c) That the By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27E, be enacted by City Council;
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map E-27E be notated as S - ;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (f) That upon finalization of the implementing Zoning By-law, the approved Chappel East Neighbourhood Plan be amended to revise the street plan as per the proposed plan of subdivision "Chappel East Estates" and to delete the 12 m (40 ft) water and sewer easement and walkway.

## 2. REFERRAL BACK FROM COUNCIL

The Committee approved the following recommendations from the General Manager, Community Planning and Development Division and forwarded them to Council for consideration:

### a) **304 Kenilworth Avenue North – Demolition (PDC99113)**

- (a) That subject to the requirements below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 304 Kenilworth Avenue North in accordance with Demolition Control By-law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,
- (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 304 Kenilworth Avenue North where the applicant has applied for and received the required site plan approval from the Community Planning & Development Division and the site plan agreement has been registered on title.

### b) **308 Kenilworth Avenue North – Demolition (PDC99114)**

- (a) That subject to the requirements below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 308 Kenilworth Avenue North in accordance with Demolition Control By-law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,
- (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 308 Kenilworth Avenue North where the applicant has applied for and received the required site plan approval from the Community Planning & Development Division and the site plan agreement has been registered on title.



**3. CONSENT AGENDA****A. ADOPTION OF THE MINUTES****(a) Minutes of the special meeting held October 26, 1999:**

Minutes of the meeting held October 26, 1999 were approved as circulated.

**(b) Minutes of the regular meeting held November 3, 1999:**

Minutes of the meeting held November 3, 1999 were approved as circulated.

**(c) Minutes of the special meeting held November 9, 1999:**

Minutes of the meeting held November 9, 1999 were approved as circulated.

The following recommendations were forwarded to Council for approval:

**B. ACTING COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

**International Village BIA Budget and Schedule of Payment for 2000 (PWT99079) dated November 11, 1999:**

- a) That the 2000 operating budget for the International Village B.I.A. (attached as Appendix 'C') be approved in the amount of \$68,960;
- b) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (a) above; and,
- c) That the following schedule of payments for 2000 be approved:

|         |          |
|---------|----------|
| January | \$34,480 |
| July    | \$34,480 |

NOTE: 1999 assessment appeals may be deducted from the 2000 levy payments.

**C. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT DIVISION****(a) 831 West 5<sup>th</sup> St – demolition (PDC99132) dated November 3, 1999:**

That the Building Commissioner be authorized to issue a demolition permit for 831 West 5<sup>th</sup> Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**(b) Request for a further six (6) month extension for the approval of Site Plan Control Application DA-95-21 for an addition to the existing St. Peter's Hospital, 88 Maplewood Avenue (PDC99131) dated November 2, 1999:**

That approval be given to the request by St. Peter's Hospital, owner, at 88 Maplewood Avenue, as shown on the attached map marked as Appendix "D", for a further extension to the approval of Site Plan Control Application DA-95-21 to May 30, 2000, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

(c) **Proposed Draft Plan of Condominium "Juliana Court", 1385 Upper Wentworth Street (CDM-99-03) (PDC99122) dated October 26, 1999:**

(a) That approval be given to Condominium Application CDM-99-03 (Regional File No. 25CDM-99013) "Juliana Court", ADJ Ventures Inc. c/o D. Valentini, owner, to establish a draft plan of condominium for 20 townhouse units, known municipally as 1385 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "E", subject to the following conditions:

- (i) That this approval apply to the plan prepared by A.J. Clarke and Associates Ltd. and certified by B.J. Clarke, O.L.S., dated October 1, 1999, showing 20 townhouse units;
- (ii) That the final plan of condominium comply, in all respects, with the approved Site Plan (DA-99-39);
- (iii) That the applicant satisfy all conditions of site plan approval applicable to the subject lands to the satisfaction of the City of Hamilton, prior to registration of the Final Plan of Condominium;
- (iv) That the Final Plan of Condominium comply with all of the applicable provisions of the City of Hamilton Zoning By-law No. 6593;
- (vi) That the following warning clause be registered on title for all units within the development and included in every agreement of purchase and sale, to the satisfaction of the Director, Land Development Department and Corporate Counsel:

*"Purchasers are advised that on-site garbage pick up for each unit by the City of Hamilton will not be available for this site."*

- (vii) That the following warning clause be registered on title and included in every agreement of purchase and sale for Units 1 to 3, and Units 16 to 20 to the satisfaction of the Director, Land Development Department and Corporate Counsel:

*"Purchasers are advised that despite the inclusion of noise control measures within the development area and within the individual building units, noise levels may become of concern, occasionally interfering with some activities of the occupants."*

- (viii) That the Condominium Corporation be required to enter into and register on title the Agreement of the

Condominium Corporation to assume and be bound by the Site Plan Agreement; and,

- (ix) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.
- (b) That the Municipal Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division of Council's decision.

**D. GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICE DIVISION**

- (a) **Core Heritage 2000 Program, 44 Hughson St. N., 43-45 King William St. (HSB99006) dated November 8, 1999:**

That a grant increase, for façade improvements, under the Core Heritage 2000 Program, in the amount of one thousand and ninety seven dollars (\$1,097) to Inmar Co. Ltd., registered owner of 44 Hughson Street North and 43-45 King William Street, be approved.

- (b) **Core Heritage 2000 Program, 164½ King Street East (HSB99007) dated November 8, 1999:**

That a grant increase, for façade improvements, under the Core Heritage 2000 Program, in the amount of five hundred and seventy-two dollars (\$572) to Paul Roth, registered owner of 164½ King Street East, be approved.

**E. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

- (a) **St. Mark's Church – Support for Preservation of Building (PDC99137)**

The Committee moved to receive the report dated October 6, 1999.

- (b) **"Ballinahanch", 316 James Street South- Designated Property Plaque (PDC99136) dated October 6, 1999:**

That a Designated Property Plaque be approved for the property at 316 James Street South, known as "Ballinahinch" (designated under the Ontario Heritage Act in 1985).

- (c) **Hamilton Psychiatric Hospital – Potential Sale (PDC99138) dated October 6, 1999:**

In accordance with the provisions of the provincial agreement between the Ontario Realty Corporation and the Ministry of Citizenship, Culture and Recreation, that a letter be sent from the Mayor to the Chair of Management Board of Cabinet to request that a heritage assessment of the whole site, as previously recommended by Ministry of Citizenship, Culture and Recreation (MCZCR) staff, be undertaken as soon as possible and before the property is declared surplus and offered for sale.



**F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE****Information Items:**

The Committee acknowledged receipt of the following information items:

- (a) Federation of Canadian Municipalities re: Brownfields dated November 1, 1999
- (b) General Manager, Social and Public Health Services Division re: Residential Rehabilitation Assistance (HSB99008) dated November 9, 1999
- (c) Secretary LACAC re Minutes of the meeting held October 4, 1999 dated November 11, 1999
- (d) General Manager, Community Planning and Development Division re: The Condominium Act, 1998 – Highlights of the Key Features (PDC99127) dated October 29, 1999
- (e) General Manager, Community Planning and Development Division re: 195 Ferguson Avenue North – Implementation of the Wesley OMB Decision (third report) (PD99088A) dated November 2, 1999
- (f) General Manager, Community Planning and Development Division re: Approved Site Plans dated November 5, 1999

**4. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT DIVISION****(a) Master Drainage Plan for the Beach Strip – Results of the Final Report (Third report) (PD99055B)**

Joanne Hickey Evans advised that the report was previously tabled to consider a decrease in the sideyard setbacks and also to consider the use of dry wells. She stated that a new clause has been incorporated to allow a 1.5 metre sideyard setback where a common swale occurs.

With regard dry wells Mr. Chajka advised that they are not suitable in circumstances where there is high water and where there are high intensity storms. They are also not practical when the ground is frozen.

Alderman Eisenberger was in support of the recommendation.

Joe Camarro, a resident of Beach Boulevard was present to request that certain aspects of the bylaw not be applied to the Lakeshore side of Beach Boulevard.

Blanche Micheau of 1049 Beach Boulevard was present to voice her concern over the closure of Manor Street. Joanne Hickey Evans advised that it would be closed and half sold to the abutting owners.

As recommended by the General Manager, Community Planning and Development Division, in a report dated November 17, 1999 the Committee recommended to Council as follows:

- A. That approval be given to City Initiative 98-D, for a modification and a further modification in zoning to Zoning By-law No. 6593, for the properties east (lake side) and west (bay side) of Beach Boulevard, in the Beach Neighbourhood, to modify the side and rear yard setbacks for new buildings and accessory buildings or structures, in

the "C" (Urban Protected Residential) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District, as shown on the attached maps marked as APPENDICES "F", "G", "H", and "I" on the following basis:

- (a) That By-law No. 98-281 which amended Zoning By-law No. 6953 and By-law No. 98-282 which established site plan control for the west (bay) side of Beach Boulevard, be repealed in their entirety.
- (b) That the "C" (Urban Protected Residential) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Sections 9, 13 and 14 respectively, of Zoning By-law No. 6593, applicable to the lands east (lake side) and west (bay side) of Beach Boulevard, as shown on the attached maps marked as APPENDICES "F", "G", and "H", be modified to include the following variance as a special requirement:
  - (i) That all buildings and structures, including accessory buildings, shall provide a side yard along each side lot line of a width of at least 1.7 m;
  - (ii) Notwithstanding clause i), a side yard may be reduced to a width of at least 1.5m, only where a common swale between the adjoining properties has been approved under a Lot Grading Agreement or approved under a Site Plan Control Agreement;
- (c) That the "C" (Urban Protected Residential) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Sections 9, 13 and 14 respectively, of Zoning By-law No. 6593, applicable to the lands west (bay side) of Beach Boulevard, as shown on the attached maps marked as APPENDICES "F", "G", and "H", be modified to include the following variances as special requirements:
  - (i) that the minimum ground floor elevation of any building or any building addition shall be 76.0 m above mean sea level, as defined by the Geodetic Survey Datum except for any building addition less than 14 m<sup>2</sup> in area and any accessory building or structure; and,
  - (ii) that no basement or cellar shall be permitted for any building; and,
  - (iii) that any addition, less than 14 m<sup>2</sup> in area, shall have a minimum floor elevation at or above the existing ground floor elevation of the building; and,
  - (iv) that prior to the issuance of a building permit for every new building, a Lot Grading Agreement with the City of Hamilton shall be entered into and registered on title to the satisfaction of the Building Department's Director, except for developments that require Site Plan Approval under By-law 79-275, as amended.

- (d) That the "C" (Urban Protected Residential) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands shown as Blocks "1", "2", "3" and "4" on APPENDIX "I", be modified to include the following variance as a special requirement:
    - (i) No building or structure, except fences shall be located within 4.5 metres of the rear lot line:
      - 1. every fence, excluding the supporting posts must be at least 0.075m from the ground to the bottom of the fence, so as not to obstruct the flow of water.
  - (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedules S-1435 and 1436, and that the subject lands on Zoning District Maps E-80b, E-80c, E-80d, E-80e, E-80f and E-80g be notated S-1435 and 1436;
  - (f) That the Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-80b, E-80c, E-80d, E-80e, E-80f and E-80g for presentation to City Council;
  - (g) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- B. That Site Plan Control By-law 79-275, as amended by By-law 87-223, be further amended by adding the lands located on the east (lake side) and west (bay side) sides of Beach Boulevard, as shown on the attached maps marked as APPENDICES "F", "G" and "H".
- (b) **The Condominium Act, 1998 – Highlights of the Key Features (PDC99127) (Information Report)**

In response to a question from Alderman Kelly, Paul Mason advised that there will be a further presentation to the Committee when the regulations are released.

(c) **Spallacci, King Street East Property- Verbal Update**

A brief discussion ensued regarding the site plan and a condition regarding landscaping. The Committee determined that the rear 75 feet be fenced off and the remaining area be landscaped.

5. **CORPORATE COUNSEL & GENERAL MANAGER, CORPORATE COUNSEL**

**Extension of Interim Control Bylaw for one year – Windemere Basin**

As recommended by the General Manager, Community Planning and Development Division, in a report dated November 17, 1999 the Committee recommended to Council as follows:

That the City Council pass a By-law to extend the applicability period of Interim Control By-law 98-313 for an additional year.



**6. OTHER BUSINESS****(a) Positions Vacated by Early Retirement Incentives**

A discussion ensued regarding replacement of essential employees. The General Manager, Community Planning and Development Division advised that this subject will be on an upcoming Committee of the Whole meeting.

**(b) Private and Confidential Session**

The Committee moved into closed session to discuss matters of potential litigation and reconvened immediately thereafter with no report.

**7. ADJOURNMENT**

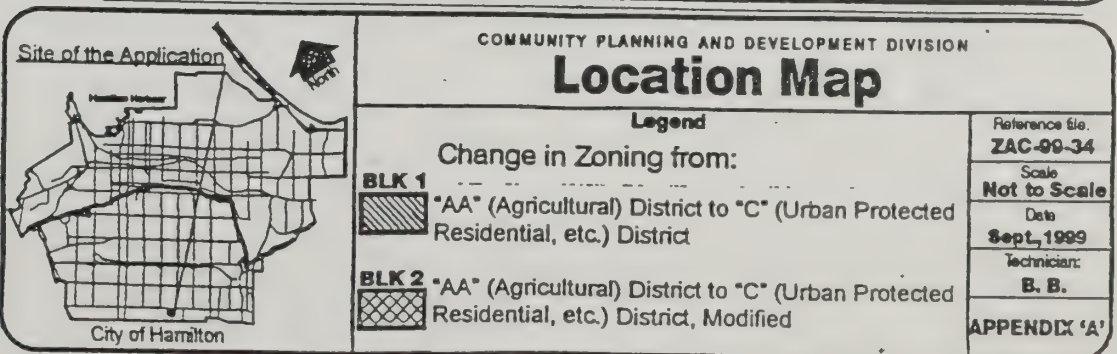
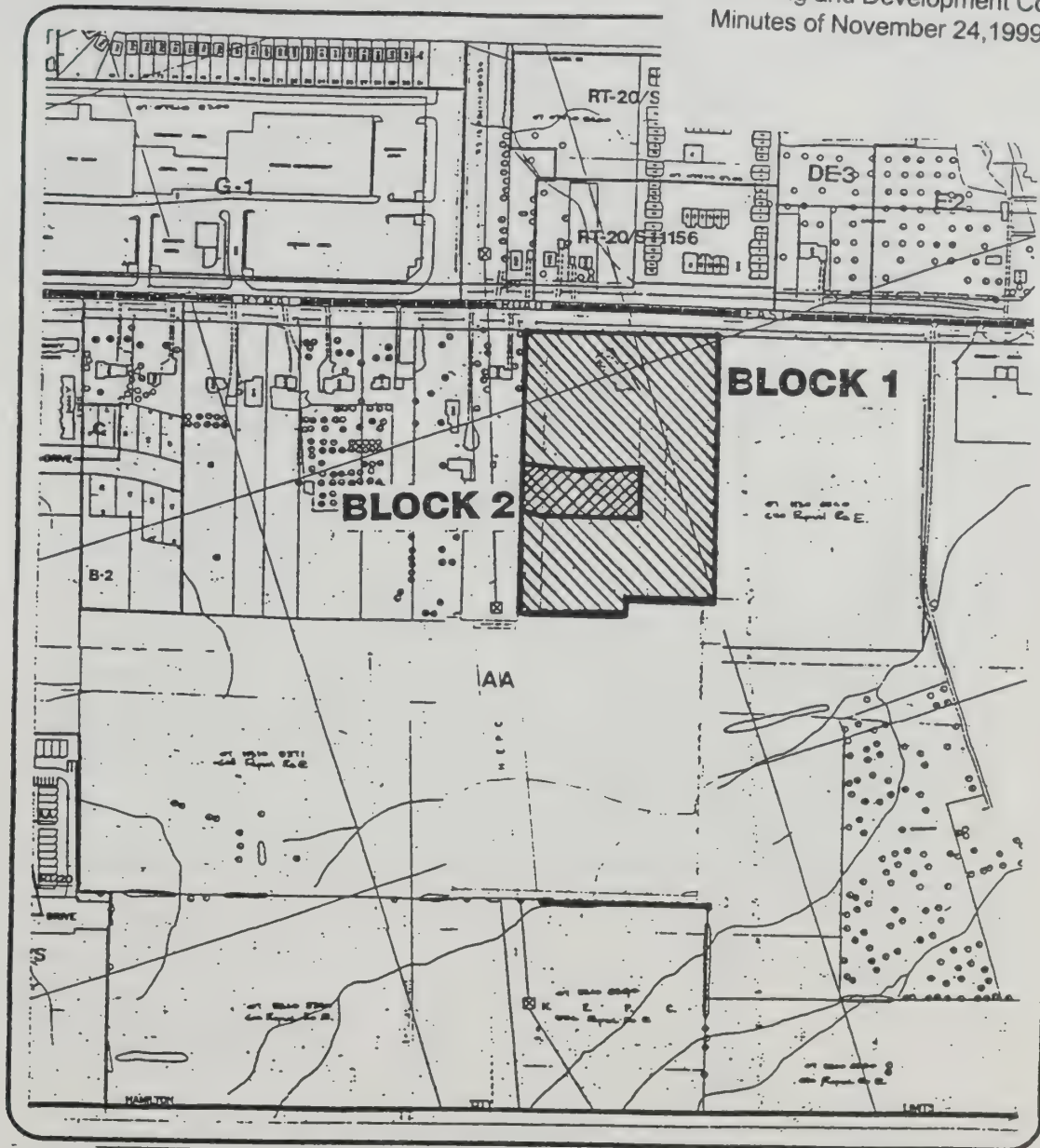
There being no further business the Committee meeting adjourned.

Taken as read and approved.

Alderman F. Eisenberger  
Acting Chairman  
Planning and Development Committee

Tina Agnello  
Secretary  
/ta

Appendix "A" referred to in  
Section 1 of the  
Planning and Development Committee  
Minutes of November 24, 1999







## INTERNATIONAL VILLAGE BUSINESS IMPROVEMENT AREA'S

### 2000 BUDGET

#### OPERATIONS:

|                     |          |
|---------------------|----------|
| Rent                | \$ 8,400 |
| Utilities           | 2,500    |
| Phone/Fax           | 1,600    |
| Office Supplies     | 1,500    |
| Equipment Purchase* | 1,500    |
| Bank Charges        | 500      |
| Total               | \$16,000 |

#### WAGES:

|                    |          |
|--------------------|----------|
| Executive Director | \$31,000 |
| Wage Costs         | 3,410    |
| Summer Student     | 1,500    |
| Wage Costs         | 100      |
| Total              | \$36,010 |

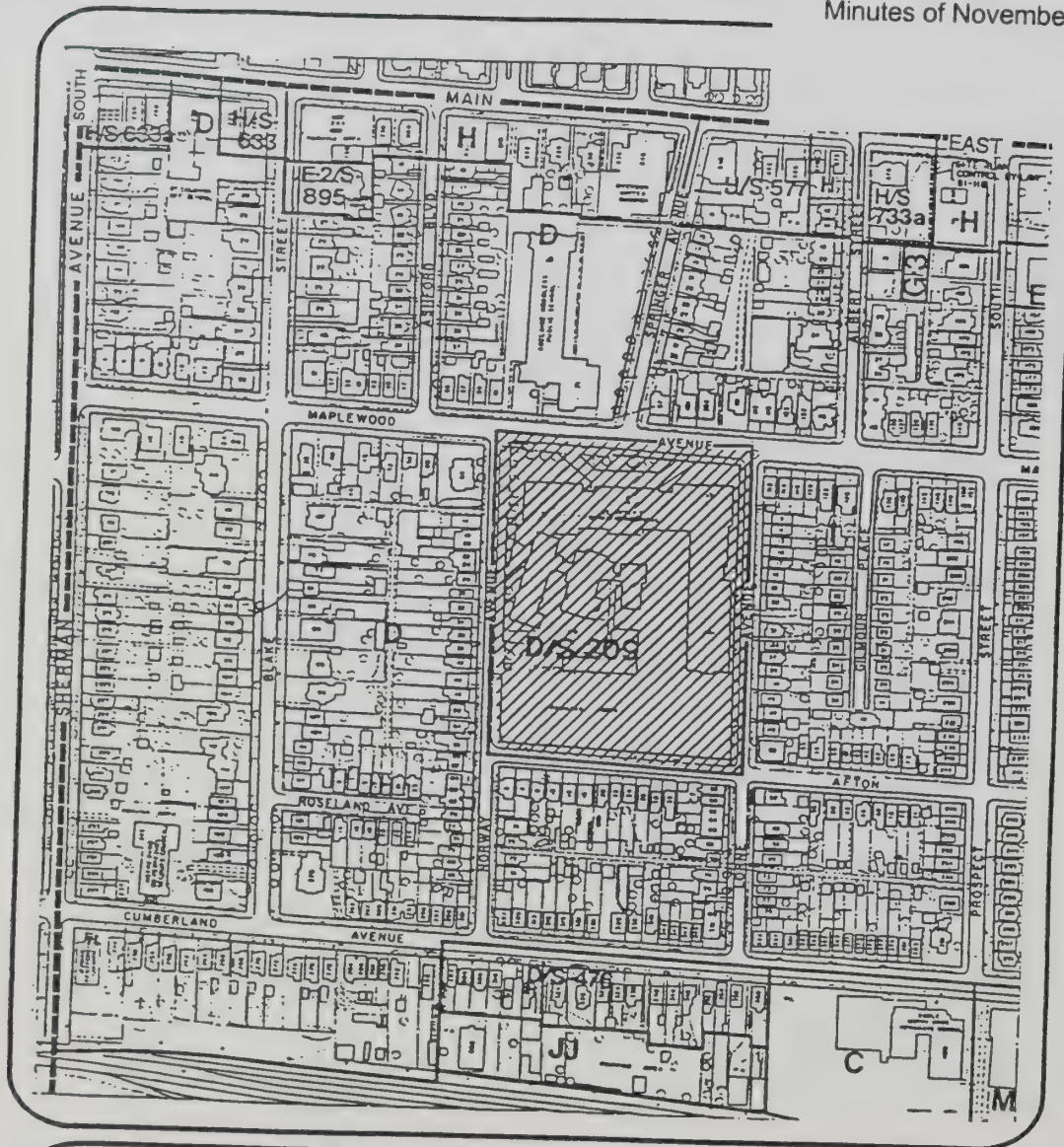
#### MISCELLANEOUS:

|                         |          |
|-------------------------|----------|
| Insurance               | \$ 1,600 |
| Audit                   | 450      |
| Printing & Postage      | 1,500    |
| Advertising & Promotion | 10,000   |
| Contingency             | 3,400    |

**TOTAL BUDGET \$68,960**

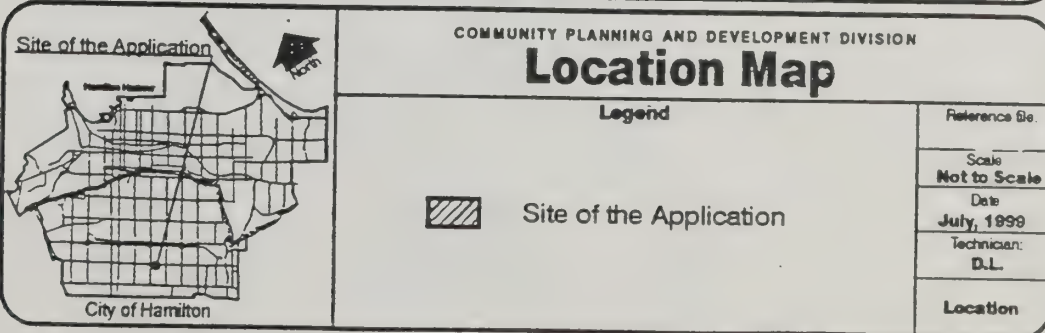
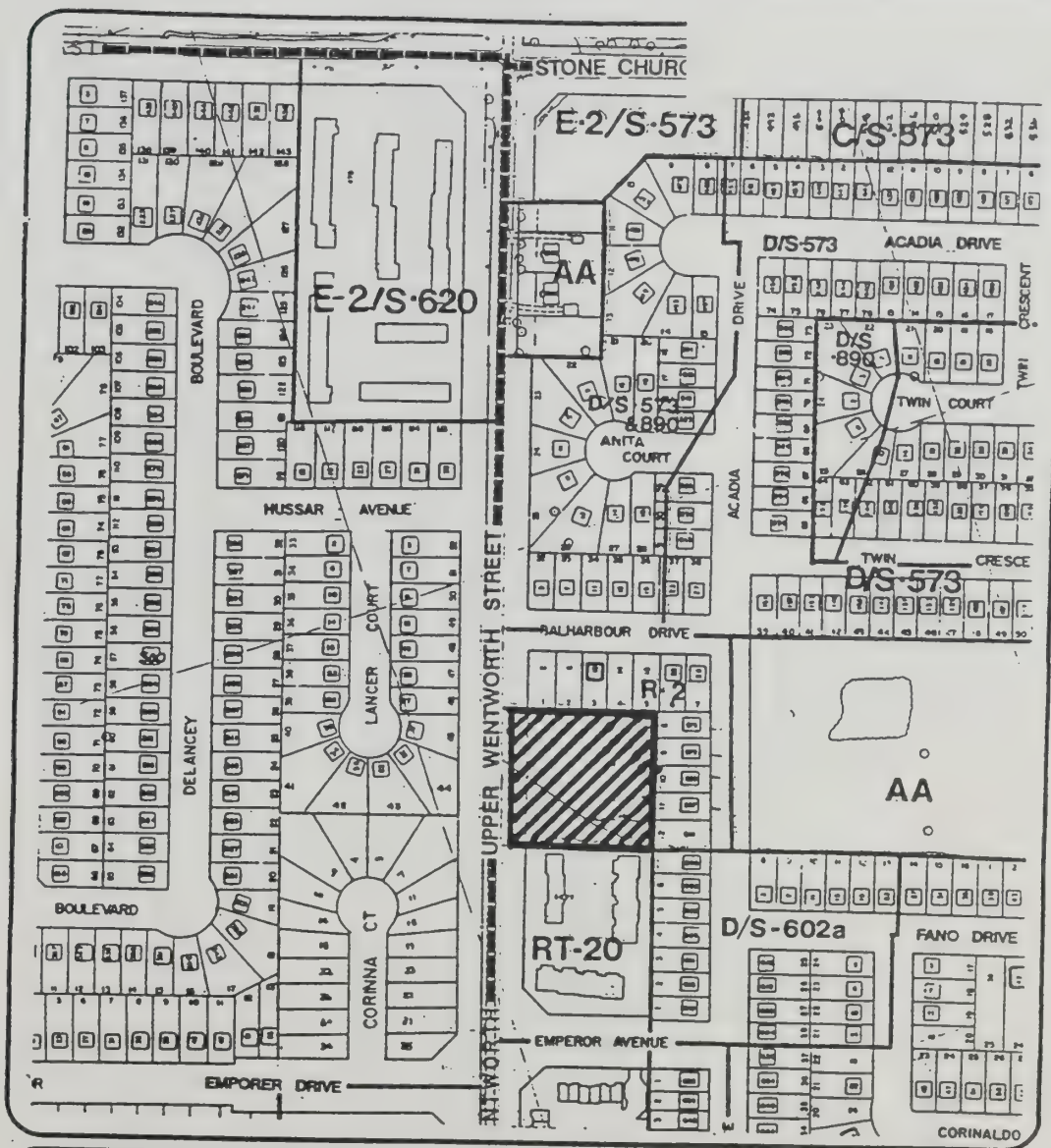
\*Purchase photocopier

Appendix "D" referred to in  
Section 3.C.(b) of the  
Planning and Development Committee  
Minutes of November 24, 1999



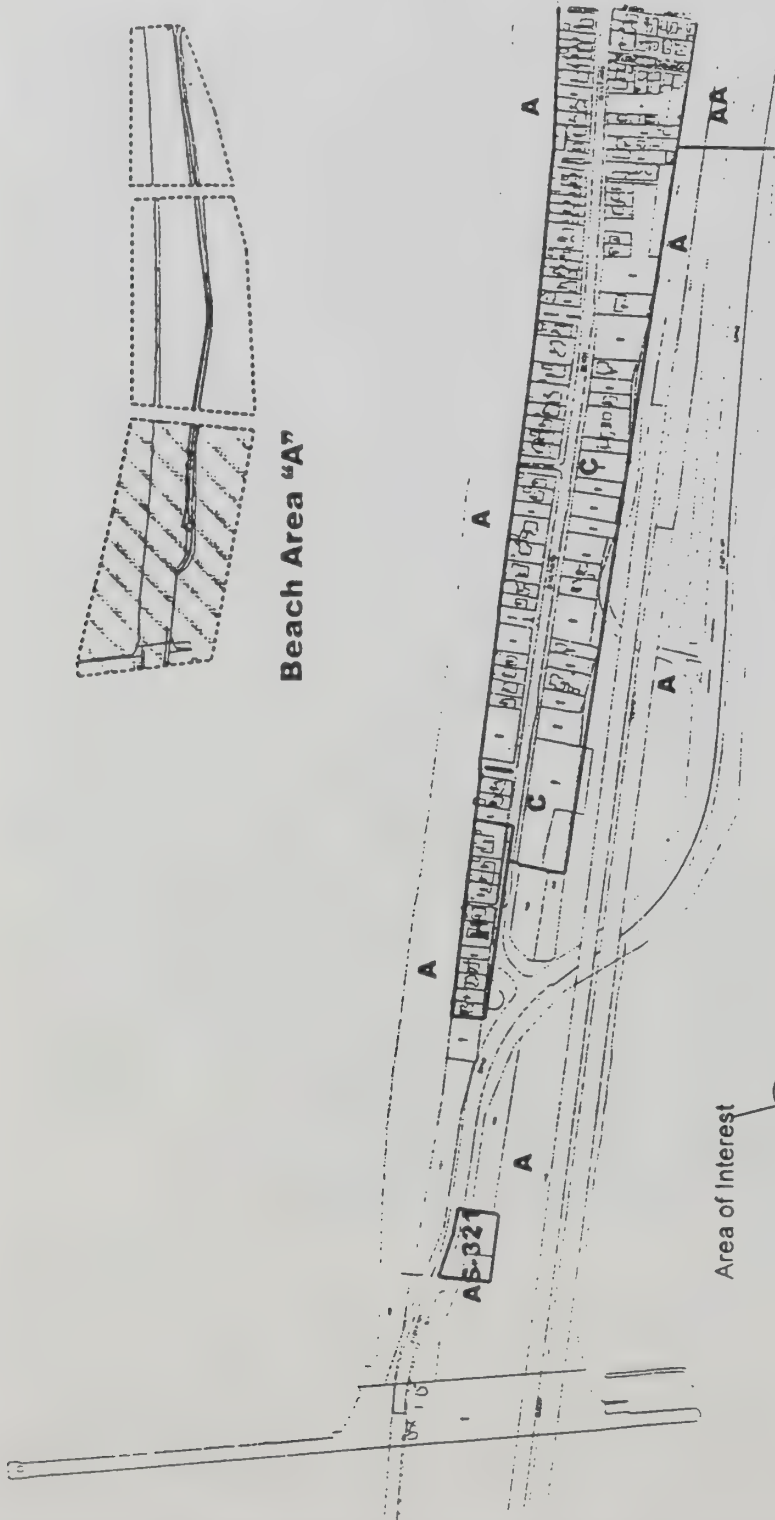
|                         |  |   |  |
|-------------------------|--|---|--|
| <p>City of Hamilton</p> |  | <b>PLANNING AND DEVELOPMENT DEPARTMENT</b><br><b>Location Map</b>   |  |
|                         |  | <p>Legend</p> <p> Site of the Application</p>   |  |
|                         |  | <p>Reference file:<br/>DA-95-21</p> <p>Scale:<br/>Not to Scale</p> <p>Date:<br/>JUNE 1999</p> <p>Technician:<br/>FAB</p> <p><b>APPENDIX A</b></p> |  |

Appendix "E" referred to in  
 Section 3(c) of the  
 Planning and Development Committee  
 Minutes of November 24, 1999





# Appendix A



Beach Area "A"

Area of Interest

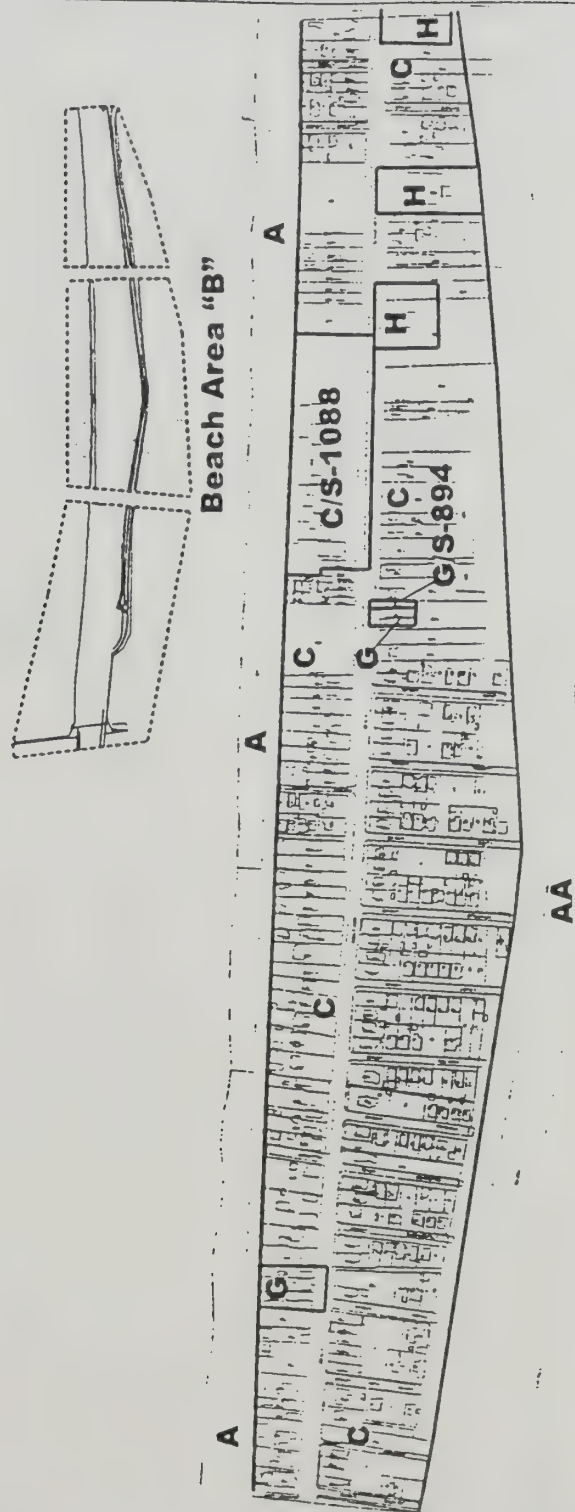


COMMUNITY PLANNING AND DEVELOPMENT DIVISION

|  |        |       |              |              |            |
|--|--------|-------|--------------|--------------|------------|
| Reference                                    | Class  | Scale | Not to Scale | Date         | Technician |
|  | Q 00 D |       |              | September 11 | J.S.       |
| Lands Subject to Zoning By-Law modifications |        |       |              |              |            |

Appendix "F" referred to in  
Section 4 of the Planning and  
Development Committee  
Minutes of November 24, 1999

# Appendix B



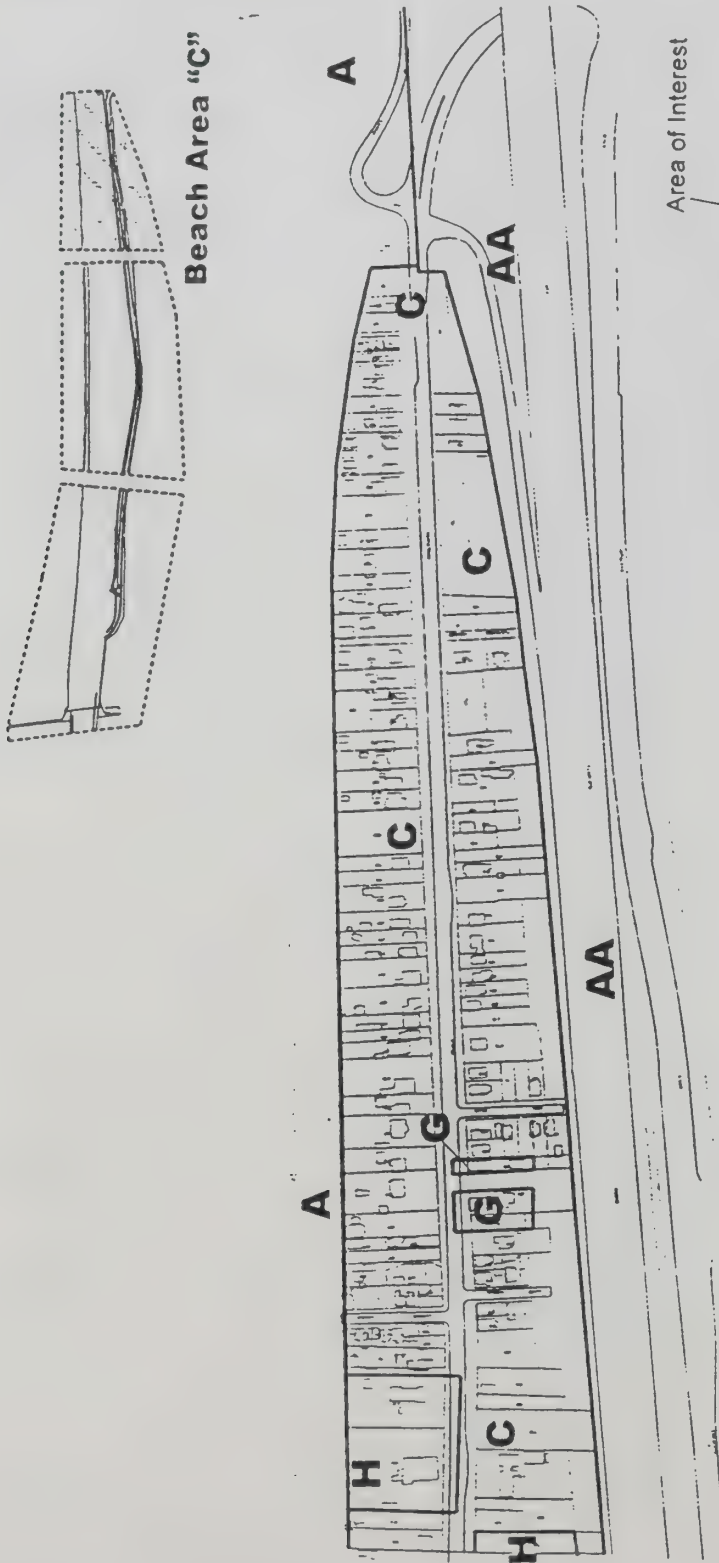
Area of Interest



Appendix "G" referred to in  
Section 4 of the  
Planning and Development Committee  
Minutes of November 24, 1999

| COMMUNITY PLANNING AND DEVELOPMENT DIVISION                           |                 |
|---|-----------------|
| Reference file  | C 96.D          |
| Scale   | Not to Scale    |
| Date  | September, 1999 |
| Technician  | J.S.            |
| <input type="checkbox"/> Lands Subject to Zoning By-Law modifications |                 |

Appendix C



Area of Interest

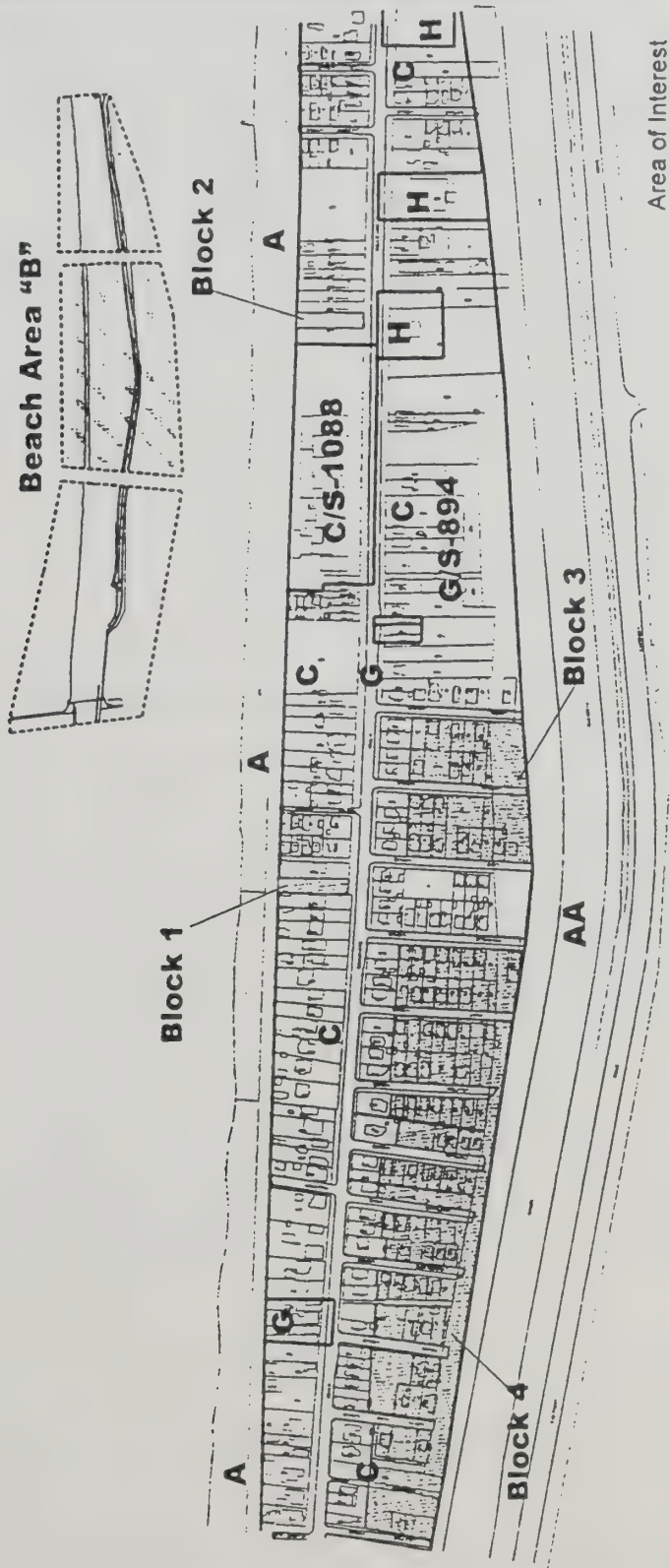


COMMUNITY PLANNING AND DEVELOPMENT DIVISION

|  |                 |
|--|-----------------|
| <input type="checkbox"/> Lands Subject to Zoning<br>By-Law modifications | Reference file  |
|  | C 00.0          |
|  | Scale           |
|  | Not to Scale    |
| <input type="checkbox"/>   | Date            |
|  | September, 1999 |
|  | Technician      |
| J.S.   |                 |



# Appendix D



Area of Interest

Appendix "I" referred to in  
Section 4 of the Planning and  
Development Committee  
Minutes of November 24, 1999



## COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Reference file  
C/S-1088  
Scale  
Not to Scale  
Date  
September, 1999  
Technician  
J.S.

Blocks: 1,2,3,4  
No buildings or structures except fences,  
allowed within the last 4.5m (15ft)  
of the rear yard





A.B)

Wednesday, November 30, 1999  
Room 233, City Hall  
4:00 o'clock p.m.

**The Planning and Development Committee met.**

**There were present:** Alderman F. D'Amico, Chairperson  
Aldermen G. Copps  
Alderman F. Eisenberger  
Alderman M. Haining  
Alderman B. Kelly  
Alderman B. Charters

**Regrets:** Mayor R. Morrow, Civic Business  
Alderman M. Caplan, Civic Business  
Alderman R. Corsini, Civic Business

**Also present:** D. A. Lychak, City Manager  
Alderman T. Jackson  
Alderman A. Horwath  
Guy Paparella, Planning and Development  
L. King, Building Department  
Peter Lampman, Building Department  
Ron Szabo, Corporate Counsel  
Tina Agnello, Secretary

**1. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT**

**Enforcement of Regulations under the Building Code Act and The Planning Act (Verbal Update)**

The Committee was in receipt of a report from the General Manager, Community Planning and Development Division, dated November 30, 1999.

Peter Lampman reviewed the report for the Committee. He advised that the legislation is not retroactive and cannot be applied to the property in question. The interior building permit has been changed to comply with the zoning bylaws and the applicant has been cooperative in allowing inspectors to visit the property.

In response to a question from Alderman Kelly, Peter Lampman advised that the only recourse that neighbours have is through civil action.

Alderman Charters stated that the recommendation should be split to allow for recommendations specific to the property and those which deal with the broader issues. He suggested that the abutting residents be permitted to use corporate legal services.

Mr. Lychak Advise that Corporate Counsel has no insurance coverage to work for individual citizens. They may also be placed in a position of conflict.

After brief discussion the Committee resolved and forwarded to Council the following:



**843 Mohawk Road East (PDC99157)**

- (a) That the Building Department be directed to continue to monitor 843 Mohawk Road East on a daily basis for violations of the zoning by-law and that any enforcement be pursued in a vigorous manner; and,
- (b) That staff be requested to vigorously pursue laying charges for not complying with a stop order; and,
- (c) That the issuance of the building permit be conditional on a guarantee of access to the interior of the building; and,
- (d) That staff compile a report on technical information data base, if need be, with the services of outside consultants.

-And-

**Enforcement of Regulations under the Building Code Act and The Planning Act**

- (a) That the General Manager of the Community Planning and Development Division investigate amending Site Plan Control By-law #79-275, as amended, to include the infil of development of one and two family dwellings under development control in order to regulate grading and landscaping; and,
- (b) That the General Manager of the Community Planning and Development Division and Corporate Counsel investigate provincial private legislation to permit Building Inspectors right of entry to residential buildings to ascertain compliance with zoning by-laws; and,
- (c) That the General Manager of the Community Planning and Development Division and Corporate Counsel investigate the preparation of a by-law under Section 223.1 of The Municipal Act to authorize Council to regulate the placing or changing of fill and the alteration of grade of land.

**The Committee suspended the rules of order to discuss a matter not on the agenda.**

**2. WALKWAY CLOSURE BETWEEN 166-170 ST. ANDREWS**

Alderman Jackson requested and the Committee resolved as follows:

That staff be directed to pursue closing the walkway between 166 and 170 St. Andrews.

**3. ADJOURNMENT**

There being no further business the Committee meeting adjourned.

Taken as read and approved.

Alderman F. D'Amico  
Chairman  
Planning and Development Committee

Tina Agnello  
Secretary  
/ta





B.

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1999 November 22  
Author: H. Milsome

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** C. Guthro, Acting Commissioner  
Department of Public Works and Traffic

**SUBJECT:** Westdale Village Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000  
(PWT99084)

### RECOMMENDATION:

- a) That the 2000 operating budget for the Westdale Village B.I.A. (attached as Appendix 'A') be approved in the amount of \$45,000; and,
- b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2000 budget as referenced in (a) above; and,
- c) That the following schedule of payments for 2000 be approved:

|         |          |
|---------|----------|
| January | \$15,000 |
| April   | \$10,000 |
| July    | \$10,000 |
| October | \$10,000 |

Note: 1999 assessment appeals may be deducted from the 2000 levy payments.

*Charles Guthro*

**Westdale Village Business Improvement Area (B.I.A.) –  
Proposed Budget and Schedule of Payment for 2000 (PWT99084)**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The \$45,000 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

**BACKGROUND:**

At its Annual General Meeting held November 17, 1999, the Westdale Village B.I.A. adopted a 2000 operating budget of \$45,000. The process followed to adopt the Westdale Village B.I.A.'s 2000 budget was in accordance with the B.I.A.'s constitution.

CG:HM:hm  
Attachment

c.c. Mary Beth Ledden, Chairperson  
Westdale Village B.I.A.

Alan Ross, General Manager  
Finance Department  
Attn: Anna Apkarian, Supervisor of Tax Administration/Banking

## APPENDIX 'A'

### WESTDALE VILLAGE BUSINESS IMPROVEMENT AREA'S 2000 BUDGET

|   |         |                |
|---|---------|----------------|
| Rent  |         | \$ 1,200       |
| Insurance                                   |         | \$ 1,600       |
| Staff Wages                                 | \$5,200 |                |
| Student                                     | \$ 500  | \$ 5,700       |
| Board Expense                               |         | \$ 1,200       |
| Audit                                       |         | \$ 350         |
| Annual General Meeting                      |         | \$ 400         |
| Office                                      |         | \$ 1,500       |
| Maintenance                                 |         | \$ 1,500       |
| Event Promotions                            |         | \$21,550       |
| Advertising (radio, newspaper,<br>Magazine) |         | \$10,000       |
| TOTAL BUDGET                                |         | <hr/> \$45,000 |





Ca)

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** 1999 November 16  
(99.1.1.A)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck, General Manager  
Community Planning and Development Division

**SUBJECT:** Demolition of:  
112-114 & 116 Wellington Street North  
Tag Number 99-139315 (PDC99148)



#### RECOMMENDATION:

- a) That subject to the requirements below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 112-114 and 116 Wellington Street North, in accordance with Demolition Control By-law 74-290, pursuant to the demolition control provisions of the Planning Act (sec.33); and,
- b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 112-114 and 116 Wellington Street North subject to the following conditions:
  - (i) the applicant has applied for and received a building permit for a replacement building on this property; and,
  - (ii) the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property; and,
  - (iii) the said building permit for the replacement building specified if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$60,000 (\$20,000 for each of the three dwelling units of the existing building that were demolished); and,
  - (iv) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk listed below) in a form satisfactory to the Building Commissioner and to the City Solicitor; and,
  - (v) if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum to the collector's roll, which sum shall remain a lien upon the property until paid.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** E (Map E-13)

**PRESENT USE:** Three Family Dwelling

**PROPOSED USE:** Six Unit Multiple Dwelling

**BRIEF DESCRIPTION:** The owner proposes to demolish the existing two storey three family dwelling and replace the building with a three storey six unit multiple dwelling. A building permit application has been submitted to replace the building, however the required site plan application has not been submitted to the Community Planning & Development Division as of this date. This property is located on the east side of Wellington Street between Wilson and Cannon Street in the Landsdale Neighbourhood and is located in Ward 3. No LACAC interest. Lot size 15.24m x 21.64m.

The owner of the property and applicant as per the demolition permit is:

Mark DiMillo  
60 Orr Crescent  
Stoney Creek, Ontario L8G 5C5

FP/zr



Cb)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1999 November 17  
S716-042  
S723-086 P. Strong

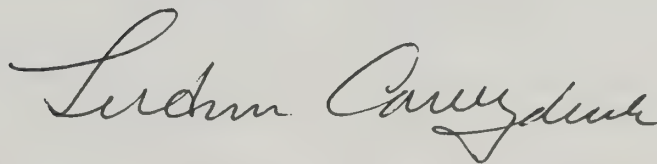
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** "Parkway Manor – Phase 1", Hamilton  
"Woodland Meadows", Hamilton  
(Cash Payment in Lieu of 5% Parkland Dedication) (PDC99150)

**RECOMMENDATION:**

- a) That the City of Hamilton accept the sum of \$ 46,000.00 for Parkway Manor - Phase 1" and \$ 46,000.00 for "Woodland Meadows" as the payment in lieu of the 5% land dedication in connection with "Parkway Manor – Phase 1" and "Woodland Meadows", Hamilton being the cash payment required under Section 51.1 of the Planning Act.



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There are no financing costs associated with this report.

cont'd...

**"Parkway Manor – Phase 1"**

page 2

**"Woodland Meadows", Hamilton**

**(Cash Payment in Lieu of 5% Parkland Dedication) (PDC99150)**

cont'd...

**BACKGROUND:**

**"Parkway Manor – Phase 1", Hamilton**

The owner of Woodland Meadows, 1125814 ONTARIO LTD. will be executing a Subdivision Agreement with the City of Hamilton for this subdivision in the near future.

In accordance with normal City procedure, City/Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$ 46,000.00.

The lands of Parkway Manor are located north of Stone Church Road East, on the east side of West 5<sup>th</sup> Street in the Kerningham Neighbourhood. (see attached plan)

**"Woodland Meadows", Hamilton**

The owner of Woodland Meadows, 1116237 ONTARIO INC. will be executing a Subdivision Agreement with the City of Hamilton for this subdivision in the near future.

In accordance with normal City procedure, City/Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$ 46,000.00.

The lands of Woodland Meadows are located north of Stone Church Road East, on the east side of West 5<sup>th</sup> Street in the Kerningham Neighbourhood. (see attached plan)

Note: The 5% parkland dedication or the cash in lieu of lands is a contribution by the developers. The money collected for the cash in lieu of lands is used for land acquisition, development and maintenance for park purposes.

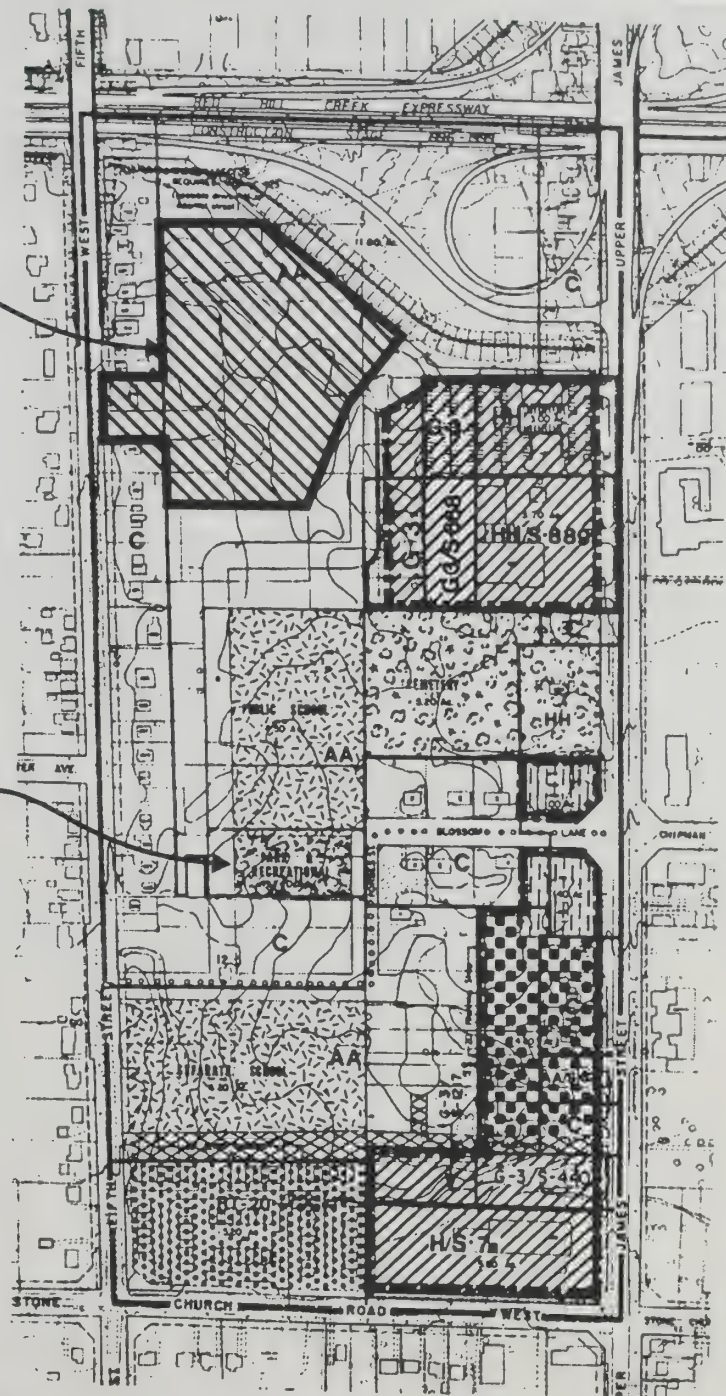
/ps 

cc: D. Cobb, Finance Department

cc: K. Nutley, Supervisor, Real Estate

Subject Lands

Neighbourhood Park



# LEGEND

 Subject Lands

## KEY PLAN

### Parkway Manor - Phase 1

NORTH



NEIGHBOURHOOD

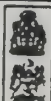
Kernighan

DATE

November 19, 1999

FILE No.

S716-042



CITY OF HAMILTON/REGION  
OF HAMILTON-WENTWORTH



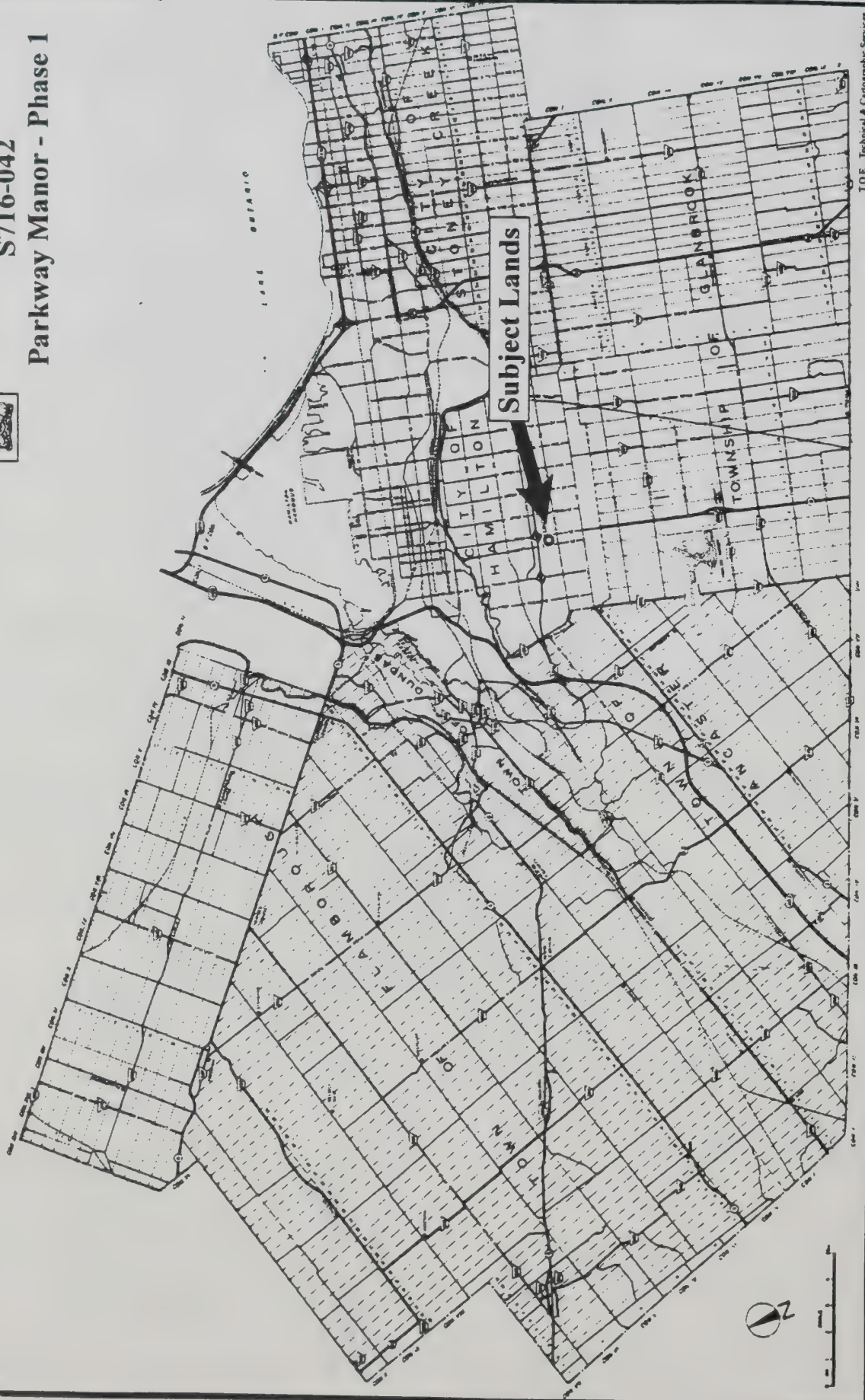
CITY OF HAMILTON/REGION  
OF HAMILTON-WENTWORTH



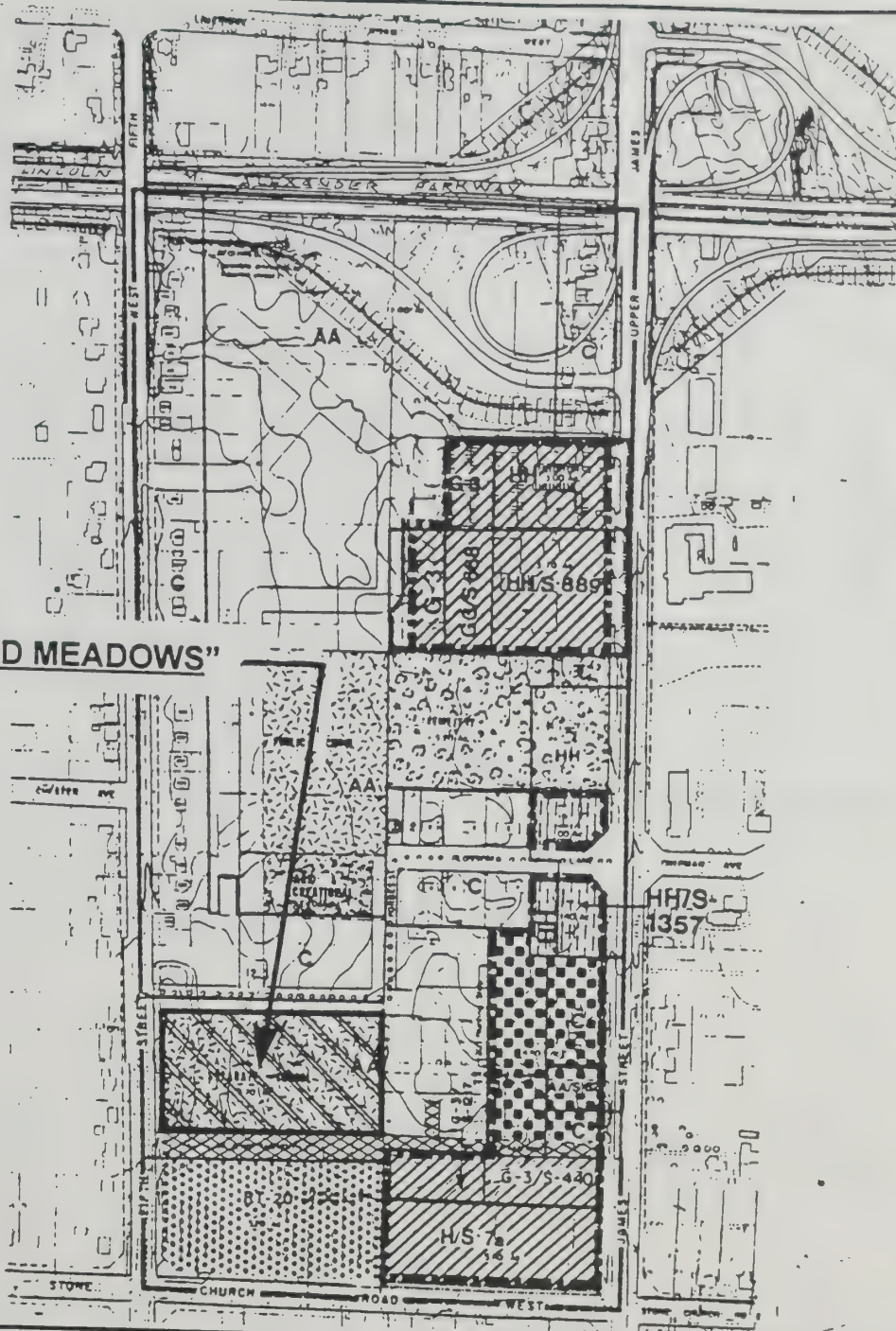
Location Map

S716-042

Parkway Manor - Phase 1



# **"WOODLAND MEADOWS"**



## **LEGEND**



Subject Lands

**NORTH**



NOT TO SCALE

## **KEY PLAN** **"WOODLAND MEADOWS"**

**NEIGHBOURHOOD**  
**KERNIGHAN- Approved Plan**

**DATE**  
August 14, 1999

**FILE No.**  
S723-086



Regional Municipality of Hamilton-Wentworth  
Community Planning & Development Division



# The Regional Municipality Of Hamilton - Wentworth

Location Map  
S723-087





Cc)

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1999 November 19  
DA-99-46  
Chedoke Park "B" Neighbourhood

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Site Plan Control Application DA-99-46 for 100 Beddoe Drive (Lapp Property) ( PDC99151).

### RECOMMENDATIONS:

That approval be given to **Site Plan Control Application DA-99-46 by Aragon (Chedoke) Development (Ontario) Corporation, owner**, for development of 147 condominium townhouse units, for the property located at No. 100 Beddoe Drive (Lapp property), as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) modifications to the plans in relation to notes, dimensions, and fencing as marked in red on the plans;
- ii) submission of a revised Landscape Plan and Tree Preservation Plan which shall include confirmation of the property line location and adjacent trees within the road allowance to the satisfaction of the Niagara Escarpment Commission and the Director, Land Development Department, Community Planning and Development Division;
- iii) submission of a revised Grading Plan, a Stormwater Management Plan and an Erosion and Sediment Control Plan to the satisfaction of the Hamilton Region Conservation Authority and the Director, Land Development Department, Community Planning and Development Division;

- iv) submission of a Phasing Plan to define the staging of the development and to ensure the appropriate works of each phase and interim land treatment is recognized as a co-ordinated development, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- v) provision that the Site Plan Agreement to be registered on title of the lands include a schedule outlining the approval of City Council of December 11, 1997 in the First Report of the Planning and Development Committee, Item 27 d(ii) through d (xviii), contained in the attached Appendix "B";
- vi) dedication to the City of Hamilton of a triangular portion of land at the curve of Beddoe Drive where the existing municipal roadway is located;
- vii) payment of the outstanding realty taxes; and,
- viii) provision of the following note on the Site Plan and Phasing Plan:

"Note: If the development proceeds as a condominium project, the phasing lines, as shown on the plans, may have to be revised to allow for the orderly development of the subject lands to ensure that each separate plan of condominium has adequate road access and that the appropriate servicing mechanisms can be established. In this regard, rights-of-way and servicing easements may have to be established to avoid joint-use agreements for municipal services and to ensure that each phase within the subject lands function in conjunction with the remaining phases."



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

## BACKGROUND:

- Official Plan Amendment

At its meeting of December 11, 1997, City Council approved Official Plan Amendment No. 145 to permit development of the property for a proposed 172 unit residential complex. Attached, as Appendix "B" is Item 27 of the First Report of the Planning and Development Committee, approved by City Council.

- Site Plan Application DA-98-13

At its meeting of June 24, 1998, the Planning and Development Committee approved Site Plan Control Application DA-98-13 for a proposed 172 unit residential development, which was consistent with Official Plan Amendment No. 145. The conditions of approval are attached as Appendix "C" for information. Fulfilment of the conditions of approval and finalization of the plans did not proceed and the application did not continue.

- Proposal – DA-99-46

The subject application, DA-99-46, proposes to develop the site located at 100 Beddoe Drive, as shown on the attached map marked as Appendix "A", for 147 condominium townhouse dwelling units in three (3) phases. A reduced copy of the Site Plan is attached and marked as Appendix "D". Phase One (1) will consist of 47 units, Phase Two (2) will have 76 units and Phase Three (3) will have 24 units.

The northern portion of the site is comprised of Phases One and Two. Phase One of 47 units will provide a continuous three storey "U" shaped perimeter structure with garages abutting Beddoe Drive, Studholme Road and the internal road abutting the westerly boundary. An internal driveway with one project entrance from Beddoe Drive and one project entrance from the westerly driveway will provide access to the visitor parking areas and the front entrances to the units. Parking spaces for 15 visitor vehicles are located throughout the Phase One area. Phase Two of 76 units will be constructed adjacent to the internal ring road and adjacent to the central open space / amenity / recreation area for the project residents. Parking spaces for 24 visitors are proposed for the Phase Two. An internal sidewalk system will be provided for pedestrian circulation and will be connected to the intersection of Beddoe Drive and Studholme through special building openings. Landscaping of trees, shrubs and ground covers are planted throughout the site and along the streets.

The southern portion of the site, Phase 3, will accommodate 24 bungalow units with a single project entrance driveway from Beddoe Drive. The buildings are



located within the original building envelope established by the Niagara Escarpment Commission (NEC) and is surrounded by the existing forested area which will be preserved and maintained as part of the project. An acoustic sound barrier will be constructed near the entrance driveway and along the westerly boundary of this phase. Eight (8) visitor-parking spaces are provided in this area with a pedestrian connection to Phases One and Two, located toward the westerly section of the lands. An internal pedestrian walkway will be provided through the forest area as an informal nature walk. Additional trees, shrubs and ground covers are proposed throughout the new construction area.

The Details of Development are as follows:

|                            |   |
|----------------------------|---|
| Net Lot Area:              | 5.3876 ha (13.31 ac)                              |
| Number of Units:           | Phase One 47                                      |
|                            | Phase Two 76                                      |
|                            | <u>Phase Three 24</u>                             |
|                            | Total 147   |
| Building area:             | 13,504.85m <sup>2</sup>                           |
| Height of Building: (Max.) | 10.1 m (33.17 ft.) 3 Storey                       |
| No. Of Parking Spaces:     | 382 Proposed (inclusive of Visitors)              |
| No. Of Visitor Spaces      | 47 Proposed                                       |
| Landscaped Area:           | 30,659.51 m <sup>2</sup> (56.91% of the lot area) |

#### LAND USE AND ZONING:

|                          | <u>Existing Land Use</u> | <u>Existing Zoning</u>               |
|--------------------------|--------------------------|--------------------------------------|
| <u>Subject Lands</u>     | vacant                   | Development Control (NEC)            |
| <u>Surrounding Lands</u> |                          |                                      |
| To the north             | Rail yard                | "K" (Heavy Industrial, etc) District |
| To the east & south      | Golf Course              | Development Control (NEC)            |
| To the west              | Public Works Yard        | Development Control (NEC)            |

## RESULTS OF CIRCULARIZATION:

- The Treasury Department has advised that there are 1999 outstanding realty taxes in the amount of \$408.32 as of the comments received on September 3, 1999.
- The Building Department has advised that the lands are under the jurisdiction of the Niagara Escarpment Commission. They also noted that the designer shall ensure that the fire access routes shall conform to the Ontario Building Code.
- The Department of Public Works and Traffic (Traffic Division) in their comments as attached as Appendix "E" has addressed a number of issues. Six proposed 90-degree angle-parking spaces near the intersection of Beddoe Drive and Studholme Road should be deleted and should not backup onto municipal roads. .

Garbage collection areas in Phases One and Two should be either included or private pick-up accommodated. It has also been identified that a note must be registered on title of the land which indicates that on-site City garbage pick-up will not be available for Phase Three due to the configuration of the proposed driveway. In addition, the applicant must apply for a Driveway Approach Permit through the Traffic Division to deal with details of the driveway designs, treatment of landscape island spaces within the road allowance, parking areas and stop signs.

- The Community Planning and Development Division, Development Engineering Section, in their comments as attached as Appendix "F", has provided details pertaining to slopes, grades, roof leaders, sodded areas, rails, and catch basins. The details should be addressed through a resubmitted Grading Plan to be to the satisfaction of the Director, Land Development Department, Community Planning and Development Division.

In addition the comments from the Regional Transportation Department, Roads Division which were included in the attachment marked as Appendix "F", dealt with issues related to the dedication of a triangular portion of land at the Beddoe Drive curve, planting along the road allowance, daylight visibility triangles, associated roadway improvements, engineering drawings and required agreements and easements.

- The Community Planning and Development Division, has advised the following:

Regional comments: The subject lands are identified as "Urban Area" and Niagara Escarpment Plan - "Urban Area", in the Hamilton-Wentworth Official Plan (H.W.O.P.). The proposal is consistent with the housing intensification and compact urban form objectives of the HWOP. In addition, on the basis of the history of this revised proposal, and the conditional approval by the Joint



Consolidated Board of the previous development proposal for this site, this proposal does not conflict with the intent of the HWOP.

Provincial comments: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS, provided the conditions for development as stipulated by the affected Ministries as approved by the Joint Consolidated Board, with respect to the previous proposal, are appropriately incorporated and implemented in this revised proposal."

- The Public Works and Traffic Department (Public Works Division) has verbally indicated that the original comments of May 7, 1998 remain applicable. The location of the existing Department of Public Works and Traffic Department maintenance yard on adjacent lands immediately to the west and the noise and activities which this type of facility generates was noted as a concern. Therefore, a clause should be placed on title warning potential owners that noise, odours and dust will be generated by the Department of Public Works and Traffic works yard adjacent to their site. Other matters noted alternate species of trees to be used along the road allowances and the adjacent hydro lines. Clarification is also required for the actual location of some of the trees adjacent to the road allowance and the property line. This had been noted in the previous submission. Should the trees be located within the road allowance, By-law 92-155 City Council's approval will be required for the removal of any trees within the road allowance. The developer will be responsible for all the related tree removal costs including adequate replacement tree costs, which appear to be as follows:

|  |             |
|--|-------------|
| Cost to remove 4 mature trees (including stump grinding)                   | \$5,350.00  |
| Cost for 28 large-caliper replacement trees (equivalent replacement value) | \$11,200.00 |
| Total Cost including G.S.T.  | \$17,708.50 |

- The Niagara Escarpment Commission have advised the following:

"We have reviewed the plans submitted with respect to the fulfilment of Conditions of Approval 9(Site Plan Agreement), 11 (Final Building Elevations), 12 (Final Site Plan), 13 (Tree Preservation Plan), 14 (Grading, Erosion/Sedimentation Control Plans), and 15 (Landscape Plan) of the above noted Development Permit Application. The fulfilment of these conditions must relate to meeting both the Development Criteria of the Niagara Escarpment Plan and the specifications of the approved application. The fulfilment of these and other conditions of approval must be finalized for the issuance of a Development Permit no later than February 9, 2001.

It is noted that the total number of townhouse units is now less (147) than the number approved (172). The number of units within the woodlot remains unchanged at 24, and the tree preservation details address issues raised with the previous submission. The building height limits are met by the plans submitted. The Landscape Plan includes an acceptable choice of species to provide adequate visual screening and to compliment amenity areas.

In conclusion, staff has no objection to these plans for the purpose of the City's Site Plan Approval."

### COMMENTS:

1. The proposal is in keeping with the concepts presented and discussed during the processing of the Official Plan amendment. The various issues and conditions have been reviewed to be included as part of the plans to be registered with a Site Plan Control Agreement or part of a schedule within the agreement.
2. Appendix "B" includes the conditions of the Official Plan Amendment No. 145, which was approved by City Council on December 11, 1997 and remains applicable for this proposal. Since a number of these conditions require further research and detailed technical studies and plans beyond the scope of Site Plan Control, and require works adjacent to the property on the road allowances, they should be defined as an integral part of the project and should form a schedule to the Site Plan Agreement to ensure that they are implemented. These include Item 27 d (ii) through d (xviii).
3. Modifications are required to the plans in relation to notes, dimensions, and fencing as marked in red on the plans to respond to a number of issues from the various departments, agencies, and neighbourhood association.
4. Verbal comments have been received from the Department of Public Works and Traffic (Public Works Division). Original concerns over the proximity and relationship of the proposed residential development and the existing maintenance yard remain applicable for this proposal. As required by the conditions of approval of the Official Plan amendment, and included in the schedule of the Site Plan Agreement, a warning clause is required to be registered on title of the land to advise of noise levels of both the Public Works Yard and the Rail Yard. In addition, the noise attenuation barrier will be constructed with Phase Three for the southerly units. The Phase One development will include a 1.9m to 2.0m high visual barrier along the property line with the noise attenuation barrier function provided by the unbroken facade of the garage structure to respond to the noise situation from both the Public Works Yard and the Rail Yard.



In addition, it has been noted that clarification is required for the location of the survey boundary along the municipal streets and the relationship of some existing trees in the area. Should the trees be located within the road allowance, an evaluation of the vegetation will be required if construction impacts the area. Approval by City Council may be required and the replacement and removal costs may be required from the owner. It appears that this cost including G.S.T., will be approximately \$17,708.50

The Tree Preservation Plan and report should be resubmitted to resolve a number of concerns and should be to the satisfaction of the Niagara Escarpment Commission and the Director, Land Development Department, Community Planning and Development Division. The plan must include confirmation of the location of the property lines and the relationship of the trees. If any trees are to be removed from the road allowance, Council approval may be required and this report should be forwarded to the appropriate Committee for processing and payment by the applicant of the cost of tree removal and replacement.

5. As noted by the Treasury Department, outstanding realty taxes of \$408.32 as of September 3, 1999, remain unpaid. As a condition of approval, the property taxes should be brought into good standing.
5. Minor revisions are required to the Landscape Plan, and have been redlined, to incorporate comments from the various departments, agencies and the neighbourhood association. The applicant has submitted a portion of the Tree Preservation Plan and has indicated further details are being completed. A revised Landscape Plan and the completed full Tree Preservation Plan must be submitted to the satisfaction of the Niagara Escarpment Commission and the Director, Land Development Department, Community Planning and Development Division.
7. With respect to the comments from the Development Engineering Section and the Regional Transportation, Operations and Environment Division, Roads Section, the Grading Plan should be revised to incorporate and clarify the issues and concerns noted. In addition, as defined in the Official Plan Amendment conditions of approval, a Stormwater Management Plan and an Erosion and Sediment Control Plan were also required and must co-ordinate issues and design with the overall grading plan. Therefore the revised Grading Plan, a Stormwater Management Plan and an Erosion and Sediment Control Plan should be submitted to the satisfaction of the Hamilton Region Conservation Authority and the Director, Land Development Department, Community Planning and Development Division. Also noted is a requirement for a small triangular portion of land to be dedicated to the City of Hamilton where the existing municipal roadway is located.

8. The applicant held an open house for the neighbourhood on August 12, 1999 to present the project. The Department has also contacted the Neighbourhood Association who has not responded to date.
9. From an urban design perspective, the general lot layout implements the MOE noise criteria. The resulting "U" shaped building creates a development that is generally "inward facing". The front yards, amenity areas, socialization and pedestrianisation will occur within the centre of the development. The rears of the structures and the garages face the street along the perimeter of the property. The design of the units and landscape treatment has provided a varied architecture along the municipal streets.
10. The plans indicate that the project will be constructed in phases and may possibly be divided in the same manner as condominiums. Although the process of possible condominium has not been fully evaluated with this submission, a note on the plan should be included to address some of the difficulties, which must be resolved. These deal with access, easements, servicing, rights-of-ways, etc.

The following note should therefore be placed on the Site Plan and Phasing Plan:

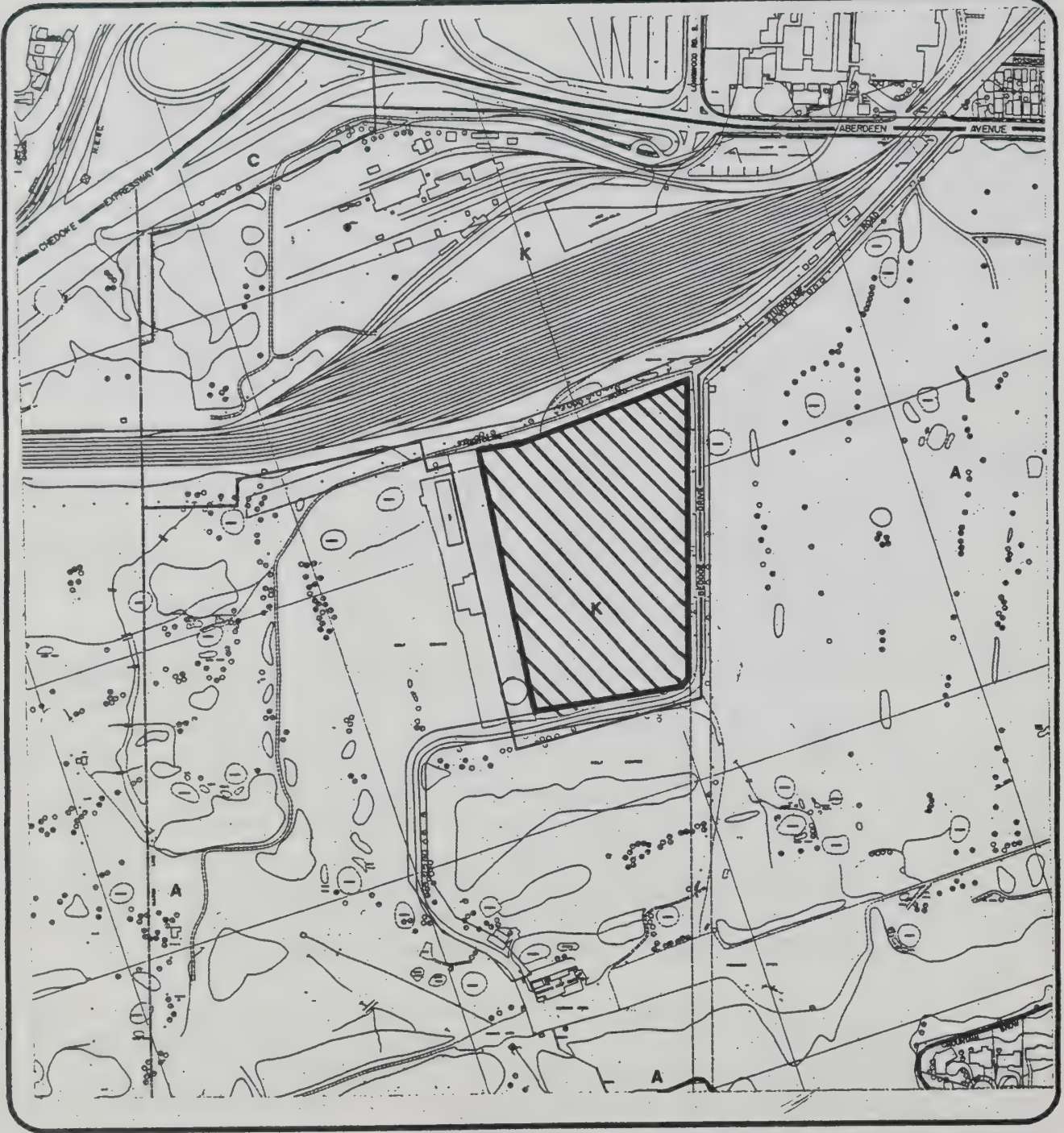
"Note: If the development proceeds as a condominium project, the phasing lines, as shown on the plans, may have to be revised to allow for the orderly development of the subject lands to ensure that each separate plan of condominium has adequate road access and that the appropriate servicing mechanisms can be established. In this regard, rights-of-way and servicing easements may have to be established to avoid joint-use agreements for municipal services and to ensure that each phase within the subject lands function in conjunction with the remaining phases."

As a proposed phased development, a detailed phasing plan must be included and submitted to the satisfaction of the Director, Land Development Department, Community Planning and Development Division. The phasing plan must ensure the phasing lines are appropriately located and that the future phased portions are minimally treated, i.e. level grading and grassed with some possible tree plantings, and are maintained as part of the early phases, until construction occurs in those areas.

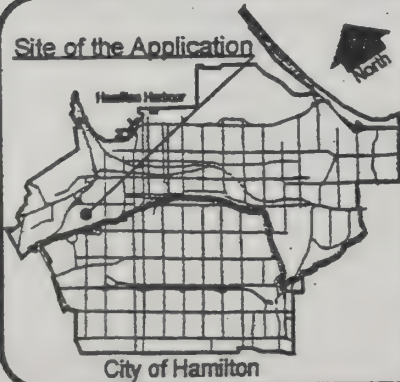
## CONCLUSION:

Based on the foregoing, the application can be supported.





Site of the Application



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

## Location Map

### Legend



Site of the Application

Reference file:

**DA-99-46**

Scale

**Not to Scale**

Date

**Sept., 1999**

Technician:

**B. B.**

**APPENDIX 'A'**

COUNCIL MINUTES.  
DECEMBER 11, 1997  
FIRST REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

27. (a) That approval be given to Official Plan Amendment No. 145, Chedoke Terrace Inc., owner, for a redesignation from Industrial to Residential on Schedule "A" - Land Use Concept and to establish a "Special Policy Area" in the Official Plan, to permit the development of the lands for 172 townhouse units, for the property located at No. 100 Beddoe Drive (Lapp property), as shown on the attached map marked as Appendix "M", on the following basis:
- (i) the maximum number of townhouse units will be 172 comprised of 24 townhouse units in the woodlot, 72 units in the perimeter ("U" shaped) building and 76 interior townhouse units; and,
  - (ii) the maximum height of the townhouses shall not exceed 12.5 m and the turret feature on the community building shall not exceed 15 m; and,
  - (iii) in accordance with Section A.2.1.3iii), retail stores and services that serve the daily needs of the residents will be permitted within the perimeter building only; and,
  - (iv) the lands will be subject to site plan control; and,
- (b) That upon finalization of the Official Plan Amendment, the approved Chedoke Park Neighbourhood Plan be amended by redesignating the subject lands from "Special Policy Area" to "Attached Housing"; and,
- (c) That Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223, be further amended by adding the lands located at 100 Beddoe Drive and the Director of Planning and Development be directed to prepare a By-law, to amend By-law 79-275, for presentation to City Council; and,
- (d) That the following conditions be imposed on the development in accordance with the Consolidated Board's decision:
- (i) In addition to the standard requirements of the Site Plan Control Process, the following additional requirements will be imposed:
    - (1) A 4.5 m acoustical barrier shall be provided and maintained on the westerly limits of the property between the south end of the property and the southerly limits of the townhouses in the perimeter building, approximately 130 m); and,
    - (2) a 1.2 to 2.0 m visual barrier shall be provided and maintained along the westerly boundary between the most northerly point of the property and end of the townhouses in the perimeter building, approximately 150 m; and,
    - (3) a 3 m high acoustical barrier, approximately 20 m in length, shall be provided and maintained in the area of townhouses located within the woodlot to protect the most southerly row of townhouses and their amenity/rear yard area; and,



- (4) a 3 m high acoustical barrier, approximately in length extend southern from the wall of the eastern most townhouse unit in the most southerly row of townhouses; and,
- (5) the Landscape Plan shall include the following details; the location, size, number and type of trees to be planted, predominantly native plant materials; a planting schedule and a maintenance statement that will require the care and replacement of stock and provision for the seeding or sodding of all disturbed areas within the first growing season following completion of construction; and,
- (6) a Tree Preservation Plan that shall include the following details: the location, size, number and type of trees to be retained; the method of protection from construction activity, i.e., fencing, wrapping, signing, wells around base of trees; if a woodlot is to be retained, its location should be clearly shown on a scaled site plan with the location of a limit of work fence accurately shown and trees defining the woodlot edge adjacent to development identified. (NOTE: grading near the base of trees to be preserved will not be permitted); and,
- (7) that the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented; and,
- (8) that prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:
  - (a) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
  - (b) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineer Section, Region Environment Department; and,
  - (c) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch; and,
  - (d) All disturbed areas will be revegetated with permanent cover immediately following completion of construction; and,

- (9) The applicant shall consider establishing a bus stop abutting the property; and,

- (ii) Prior to issuance of building permits, the working drawings must be certified by a professional engineer, registered in Ontario and competent in acoustics, to be in compliance with the approval conditions of the Joint Board and specifically to ensure that all units are designed to comply with the indoor sound level limits listed below accounting for idling locomotives in the rail yard:

|   | Rail(*) | dba<br>Road(*) | Yard (**) | Works |
|---|---------|----------------|-----------|-------|
| Bedrooms (2300-0700)                          | 35      | 40             | 4         | 0     |
| Living/Dining/Recreation<br>Rooms (0700-2300) | 40      | 45             | 45        |       |

\*LEQ for indicated time period

\*\*LEA for any hour

The acoustical certification shall be implemented by an original noise control certificate that is signed, stamped and dated by the acoustical engineer, and applied to each drawing; and,

- (iii) The interior sound levels in the bedrooms on the easterly exposed townhouses shall not exceed MOE interior noise guidelines. Similarly, the same units shall be designed to meet 35 dBA Leq from the idling locomotives on the sidings closest to the Rail Yard; and,
- (iv) Air conditioning shall be installed in all units; and,
- (v) The easterly four units of the south easterly row of townhouses in the woodlot shall be single aspect with any windows above the first floor pointing only toward the south or south east; and,
- (vi) The westerly row of townhouses in the woodlot shall be single aspect with any windows above the first floor pointing only toward the north; and,
- (vii) There shall be no windows, balconies, or amenity areas above the first floor in the end units of either the southwesterly row of townhouses or the westerly leg of the perimeter building; and,
- (viii) Balconies or other amenity areas above the first floor of the westerly unit of the southwestern row of townhouses shall not have line-of-sight to any portion of the Public Works Yard; and,
- (ix) The owner undertake a vibration study to the satisfaction of the St. Lawrence and Hudson Railway Company; and,

- (x) All of the units shall carry the following Warning Clause on all Agreement Purchase and Sale or lease or reservation agreements and is to be registered on the title of the land:

"Occupants are advised that noise levels for the Public Works Yard and the Rail Yard may, at times be a concern, occasionally interfering with some activities of the dwelling occupants as the noise level may exceed the Ministry of Environment and Energy's noise guidelines."

The clause is to be to the satisfaction of the City Solicitor and the Director of the Planning and Development Department; and,

- (xi) A visual barrier, between 1.8 and 2.0 m in height, be installed at the expense of the owner, separating the Railway Property from Studholme Road for that area opposite the subject lands. The fence shall be constructed from the eastern most terminus of the existing fence along the Railway property on the north side of Studholme Road to a point directly north of the westerly boundary of the subject property. The Fence shall be constructed on City lands and designed and constructed to the satisfaction of the Commissioner of Public Works and Traffic Department and the Director of the Planning and Development Department; and,
- (xii) The owner pay 50% of the cost of constructing a sidewalk on the south side of Aberdeen Avenue between Studholme Road and the existing municipal sidewalk west of Chedoke Avenue; and,
- (xiii) Studholme Road is to be constructed to an urban cross section and the method of financing be determined by the Transport and Environment Committee; and,
- (xiv) Sidewalks shall be provided, at the owners cost, on Beddoe Drive and Studholme Road adjacent to the subject property; and,
- (xv) A sidewalk shall be provided, at the owners cost, along one side of Studholme Road from the east side of Beddoe Drive to Aberdeen Avenue; and,
- (xvi) Prior to the issuance of any building permits by the City of Hamilton, the applicant shall satisfy the Ministry of the Environment and Energy with respect to noise mitigation features for all buildings and structures; and,
- (xvii) Development shall take place only in accordance with the site plan and development permit application approved, except where special conditions are to apply; and,
- (xviii) The owner shall enter into a special servicing agreement with the Region to provide for the sanitary sewer connection from the subject lands to the intersection of Aberdeen Avenue and MacDonald Avenue. The cost of installing the sanitary sewer shall be paid for by the owner.





PLANNING AND DEVELOPMENT DEPARTMENT

City of  
HAMILTON

71 Main Street West, Hamilton, Ontario, L8P 4Y5  
Tel. (905) 546-4221 / Fax (905) 546-4202

29 June 1998

File: DA-98-13

Fothergill Planning & Development Inc.  
1015 - 135 James Street South  
Hamilton, ON L8P 2Z6

Attention: Mr. E.J. Fothergill

Dear Sir:

Re: Site Plan Control Application DA-98-13 for lands at 100 Beddoe Drive

On June 29, 1998, the plans submitted with respect to the above noted application were approved on the following basis:

- a) modifications to the plans in relation to notes, dimensions, fencing and landscaping as marked in red on the plans;
- b) submission of a revised Landscape Plan and Tree Preservation Plan to the satisfaction of the Niagara Escarpment Commission and the Director of the Planning and Development Department;
- c) submission of a revised Grading Plan, a Stormwater Management Plan and an Erosion and Sediment Control Plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department;
- d) provision that the Site Plan Agreement to be registered on title of the lands include a schedule outlining the approval of City Council of December 11, 1997 in the First Report of the Planning and Development Committee, Item 27 d (ii) through d (xviii), contained in the report as Appendix "B";
- e) payment of the outstanding realty taxes; and,
- f) provision of the following note on the Site Plan and Phasing Plan:  
"Note: If the development proceeds as a condominium project, the phasing lines, as shown on the plans, may have to be revised to allow for the orderly development of the subject lands to ensure that each

separate plan of condominium has adequate road access and that the appropriate servicing mechanisms can be established. In this regard, rights-of-way and servicing easements may have to be established to avoid joint-use agreements for municipal services and to ensure that each phase within the subject lands function in conjunction with the remaining phases."

- g) dedication to the City of Hamilton for a small triangular portion of land with dimensions of approximately 25m and 12.8m along Beddoe Drive where the existing municipal roadway is located.

Please have the plans modified as indicated. Prior to submission to this office of seven sets of final plans and drawings, please contact John Sakala of this office.

Upon acceptance of the final plans you will be requested to provide a reduced set of the final plans required for inclusion in the Site Plan Agreement.

In regard to the required securities, please submit a cost estimate for the exterior works of the development which should include a breakdown of such features as curbing, asphalt, walkways, landscaping, fencing, retaining walls, etc. Attached are two (2) guides for estimating security requirements. The estimate must be stamped by a qualified professional architect, engineer, or landscape architect. Upon approval of the estimate, you will be advised and requested to provide 75% of the approved amount which must be forwarded to Mr. Derek Cobb of the City Treasury Department.

In regard to the Site Plan Agreement, please request the applicant's solicitor to contact Ms. Janet Seki of the City Law Department at 546-2125. Please note that final clearance for a Building Permit will be given by the Law Department.

Prior to release of the final plans to the Building Department, the above noted conditions must be fulfilled. It is the applicant's responsibility to advise this Department when those requirements have been completed. Please note that Site Plan Approval does not exempt the requirements to obtain any other necessary permits and reports for this project prior to proceeding with construction.

In accordance with Section 3, of By-law No. 87-150, the applicant must fulfil the above mentioned conditions of approval, register the Site Plan Agreement and receive the

issuance of a Building Permit within two (2) years from the date of approval of the plans and drawings.

Please contact John Sakala at 546-4429 if you require any clarification.

Yours truly,



V. J. Abraham, M.C.I.P., R.P.P.

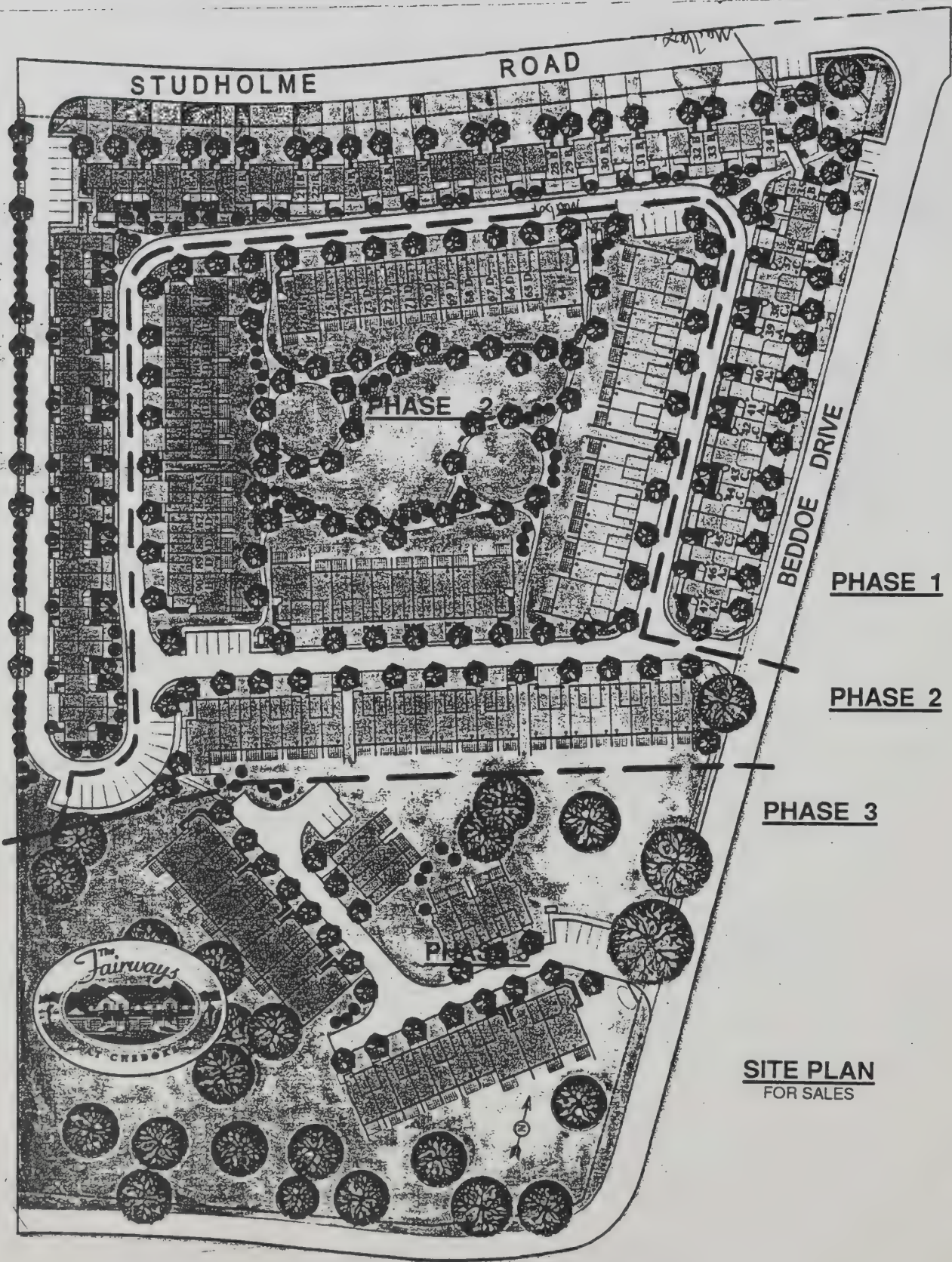
Director of Planning and Development Department

cc: A. Zuidema, Law Department (copy of report)  
L. King, Building Department  
D. Cobb, City Treasury Department  
C. Unelli, Regional Environment Department  
H. Groen, Regional Environment Department  
M. Kilian, Niagara Escarpment Commission

jps/DA9813e3



PHASE 1



PHASE 1

PHASE 2

PHASE 3

SITE PLAN  
FOR SALES



**E. Switenky**  
Supervisor of Traffic Studies/  
Traffic Technologist

SEP 23 1999

c.c. H. Groen, Development Co-ordinator, Roads Division

# Community Planning and Development Division

## Land Development Department

### Memorandum

**TO:** P. D. Mallard, M.C.I.P., R.P.P.  
Manager  
Development Planning

**FROM:** C. A. Unelli, C.E.T.  
Development Co-ordinator  
Development Engineering Section

**DATE:** 1999 November 1

**SUBJECT:** Site Plan Control Application DA-99-46  
100 Beddoe Drive

**FILE:** E220-0305

The grading plan submitted dated August 1999 will be approved with respect to grading when the following revisions have been dealt with.

1. A notation should be provided on the grading plan as to how the roof leaders of the proposed buildings are to discharge either directly to the storm sewers or overland.  
  
Should the applicant/owner choose to discharge overland we will require a stormwater management report prepared by a qualified Engineer, showing that this development will have no negative impact on the subject or abutting lands.
2. The landscape plan submitted indicates that the development is to be constructed in three phases. Please show the phasing on the grading plan.
3. Proposed property line elevations should be provided at a 15 m interval along the west property line. Alternatively, if the existing elevations are to be maintained this can be indicated with a standard note etc.

The applicant/owner must ensure that proposed works along the west property line do not block drainage from the adjacent lands.

Cont'd...



Site Plan Control Application DA-99-46  
100 Beddoe Drive

Cont'd...

4. Proposed property lines must be provided along the entire east property line at a 15 m interval and along the south property line.

Along the east property line elevations should be set either approximately equal to or up to 0.15 m higher than the corresponding perpendicular centreline elevation of Beddoe Drive. Along the south property line due to proximity of the paved road to the property line, elevations should be set equal to the corresponding perpendicular centreline elevations.

5. Based on the elevations provided to the rear of Block 1, Unit 6A and 5A, there is approximately a 0.6 m difference in elevation between the subject and adjacent lands. How will this difference in elevation be handled? If a slope is to be proposed it must be no greater than our maximum allowable of 3:1 and should be labelled as such on the plan. Alternatively, the applicant/owner may wish to consider constructing a retaining wall. If a wall is to be utilized it must be constructed entirely on the owners lands.

As in Item # 3 above proposed works must not block the existing drainage patterns of the adjacent lands.

For retaining walls 0.6 m in height or greater a fence or guard rail must be constructed at the top of the rear of the wall. A note to this effect must be included on the plan.

6. The proposed driveway for Unit 33B and 34B, Block 3, is greater than our maximum allowable slope of 7.0 %. In addition, a number of the driveways for Block 11 and 12 are also greater than this maximum. We recommend that even though a driveway grade of 7.0 % is acceptable, wherever possible grades be kept to a minimum.
7. The proposed main access to the site off Beddoe Drive is greater than our maximum slope of 3.0 % within the road allowance. Within the first 7.5 m on private property the slope should be no more than 5.0 %.

Cont'd...

Site Plan Control Application DA-99-46  
100 Beddoe Drive

Cont'd...

The access off Studholme road is within these requirements, however, it is recommended that the design be reviewed to flatten out the driveway. Currently the driveway slopes down from the property line to the catch basin and then back up again at 5.0 %.

8. A number of swales on the plan are less than our minimum slope of 2.0 % for sodded swales. Please review and modify accordingly.

Some swale inverts are labelled as (XXX.XX)S, while others are not. Please modify so that there is conformity.

9. Please provide a typical cross section through the proposed retaining wall/acoustic barrier adjacent to Block 17. Please provide proposed elevations at the top/bottom of the wall.
10. At the west end of Block 11, Unit 101K, the door entrance grade, 107.00 m, is lower than the surrounding lands and water may pond there.
11. Areas of the property where no proposed works are indicated should be graded to ensure that water does not pond. A note to this effect should be included on the grading plan.

In order to assist the applicant/owner with the preparation of the security as required under the Site Plan Agreement, we have attached a copy of a guideline for estimating security requirements. It should be noted that this guideline only includes items specific to our Department's security requirements, and depending on the details of the development, securities for additional items may be added. Please note that a qualified professional engineer, architect or landscape architect must stamp the estimate.

It should be noted that a Special Sewer Service Agreement for storm and sanitary sewers is necessary in order to service the property. This agreement was started under the previous development application, however to date we have not received the required legal description of the property or the total fees owing necessary to complete the agreement.

Cont'd...

Site Plan Control Application DA-99-46  
100 Beddoe Drive

Cont'd...

The applicant/owner should be advised that permits are required from the Region of Hamilton – Wentworth prior to the commencement of any servicing works external to the building. A copy of the servicing drawing (final design), must be submitted to the Regional Community Planning and Development Division, for review prior to permit application.

The following comments were received from the Regional Transportation, operations and Environment Division, Roads Section.

1. According to most recent plans submitted by the applicant/owner, a portion of the existing travelled pavement of Beddoe Drive presently crosses private property at the L-shape bend on Beddoe Drive at the south side of the property. **We require that as a condition of site plan approval that a triangular piece of land, as outlined on the attached plan, be dedicated to the City of Hamilton for road widening purposes.**
2. We have reviewed the landscape plan on the basis that the trunks of the proposed trees will be on private property only and set back approximately 6.0m from the Studholme Drive road allowance limits and that the tree/branch line will be a minimum of 1.5m above grade.
3. As was noted previously, the existing street/property line on Beddoe Drive is approximately 2.1m west of the existing edge of pavement. This setback becomes critical with respect to motorists exiting or entering the roadway. In order to ensure adequate visibility for motorists entering Beddoe Drive, we recommend that any **new** vegetation within 5.0m of the existing edge of curb not exceed a mature height of 0.60m above the corresponding perpendicular centreline elevation of Beddoe Drive. Any plantings within the road allowance must be either sod or annual flowers.

Cont'd...



Site Plan Control Application DA-99-46  
100 Beddoe Drive

Cont'd...

We also have reviewed the plans on the basis that the proposed tree trunks adjacent to Beddoe Drive will be set back approximately 5.0 metres from the edge of curb and that the tree/branch line will be a minimum of 1.5m above grade. This is required to ensure that motorists have some visibility entering the municipal sidewalk and the travelled portion of Beddoe Drive.

4. We require 5m by 5m visibility triangles between the edge of the main access driveways to Studholme Road and Beddoe Drive and the road allowance limits. The maximum height of any objects, landscape features or mature vegetation (excluding existing trees) etc. within these triangles is not to exceed a height of 0.60m above the corresponding perpendicular centreline elevation of the adjacent streets.

We require a 9m by 9m visibility triangle at the corner of Studholme Road and Beddoe Drive in which the maximum height of any object or mature vegetation (excluding existing trees) is not to exceed a height of 0.60m above the corresponding centreline elevation of the adjacent streets.

5. As a condition of approval we require that the applicant/owner enter into a modified subdivision agreement with the City of Hamilton for all roadway improvements associated with this proposed development. These works include but are not limited to the following:
  - i) The reconstruction of Studholme Road to a urban cross section with sidewalks on the north side of Studholme Road from the existing sidewalks on Studholme Drive to the east to the westerly limits of the subject lands. This includes all works required to connect the proposed municipal sidewalks for this development to the intersection of Aberdeen Avenue and Studholme Road.
  - ii) The reconstruction of the existing curb on the west side of Beddoe Drive, adjacent to the subject lands and the construction of municipal sidewalks on the west side of Beddoe Drive, as required, to service this development.

Cont'd...

Site Plan Control Application DA-99-46  
100 Beddoe Drive

Cont'd...

- iii) The construction of a municipal sidewalk on the south side of Aberdeen Avenue from Studholme Drive to the existing municipal sidewalk west of Chedoke Avenue.
- iv) Any other works deemed necessary by City of Hamilton Council.

The plans submitted by the applicant indicate a proposed curb and gutter cross section and sidewalk on the north side of Studholme Road and proposed sidewalks on Beddoe Drive, adjacent to this development. This proposal is in keeping with the proposed urban development currently being proposed on these lands and facilitates the vehicle traffic and pedestrian activity generated as a result of this development. Further, the proposed curb and gutter cross section on both sides of Studholme Road from Beddoe Drive to the west end of this development is required to provide differentiation between the numerous individual street townhouse accesses on the south side. Due to the number of accesses, it may be desirable to provide the sidewalk on the north side of this section of Studholme Road as shown on the plans. Alternatively, the sidewalk could be constructed with a boulevard on the south side of the road, as there appears to be sufficient length in the proposed driveways to accommodate several vehicles. The decision as to the location of the sidewalk could be made at the time of approval of the engineering drawings for the works to be constructed. We recommend that as a condition of site plan approval the developer construct these roadway improvements.

In our previous comments the applicant was advised that we would recommend that the total costs of the roadworks on Studholme Road and Beddoe Drive would be the applicant/owners responsibility. We also advised that the applicant/owner would be responsible for 50% of the cost of installing the municipal sidewalk on Aberdeen Avenue. We are prepared to forward these recommendations to Committee and Council. However the final method of financing must be approved by the City of Hamilton Transport and Environment Committee and Council.

Cont'd...

Site Plan Control Application DA-99-46  
100 Beddoe Drive

Cont'd...

6. We understand that the roadway engineering drawings for Studholme Road have not been prepared to date. We recommend that the Studholme Road engineering drawings be prepared and submitted as soon as possible since the final location of the curblin and the centreline elevation grades of the roadway are all critical in the final approval of the site, landscape and grading plans. We also require further details on the roadway pavement transition to the existing pavement in front of the City of Hamilton Public Works Yard. It appears that the proposed 20m transition is well below minimum standards.
7. According to our records, the proposed development includes the construction of an access and parking area and internal road over an existing sewer/drainage easement shown as Part 2 on Reference Plan 62R-6546 and the status of this easement, if not done, should be determined.
8. We recommend that the proposed boulevard parking areas on Studholme Road and Beddoe Drive, in the vicinity of the corner landscaped area and the "super mail boxes" be removed and the plans revised accordingly.
9. It is unclear where the acoustic wall limits on Phase 3 will be located. Please clearly show this on the plan in order that we can review and comment accordingly.
10. It is our opinion that the limits of the Phasing Lines should be reviewed to ensure that the full internal vehicle circulation, fire routes, accesses, etc. are constructed as required.
11. Please confirm the location of the "entrance feature" on the appropriate site and landscape plans.
12. Prior to any works within the road allowances, the relocation of fire hydrants, existing catch basins, and any other Utility, the applicant must contact the respective authorities for appropriate permits, approvals, etc. to ensure that the work is done to their satisfaction.

Cont'd...



- Page 8 -  
November 1, 1999

Site Plan Control Application DA-99-46  
100 Beddoe Drive

Cont'd...

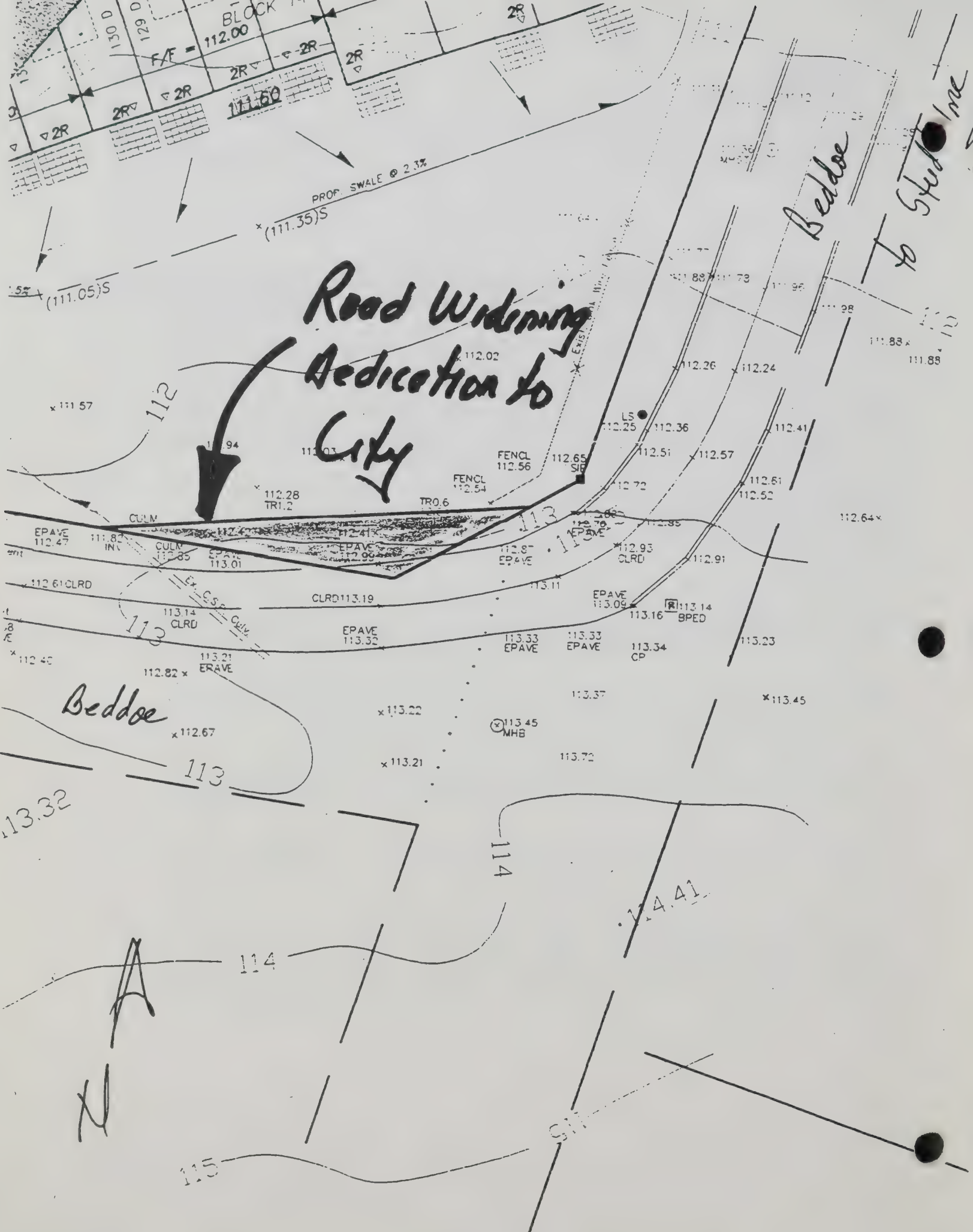
If there are any queries with respect to the Roads Section comments please contact Mr. H. Groen at 546-4278. Otherwise Mr. D. Waddell at 546-2434 will be able to respond to any grading or servicing questions.



Charles A. Unelli, C.E.T.  
Development Co-ordinator

DWW:dww  
Attach.

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**Road Widening  
Dedication to  
City**

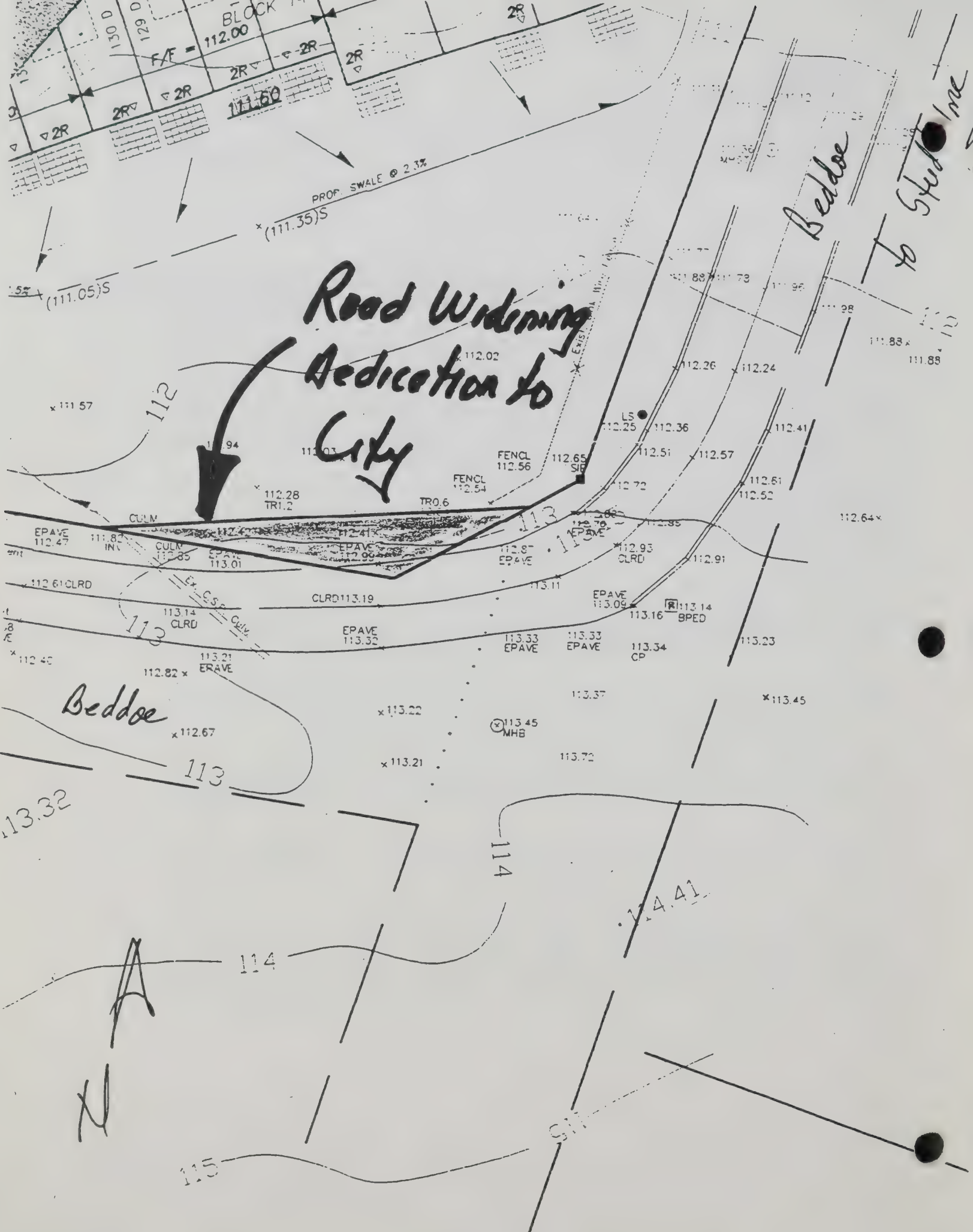
*Beddoe*

*to Street Line*

*Beddoe*

*A*

*N*



| <u>ITEM</u>                            | <u>DESCRIPTION</u><br>(examples only)    | <u>QUANTITY</u>                    | <u>UNIT COST</u>   | <u>TOTAL</u> |
|--|--|------------------------------------|--------------------|--------------|
| 1. Asphalt Binder                      | "x" mm                                   | m2 or tonnes                       | \$/m2 or \$/tonne  | \$           |
| 2. Asphalt Surface                     | "x" mm                                   | m2 or tonnes                       | \$/m2 or \$/tonne  | \$           |
| 3. Granular "A" Base                   | "x" mm                                   | m2 or tonnes                       | \$/m2 or \$/tonne  | \$           |
| 4. Concrete Curbing                    | type<br>"x" mm by "x" mm                 | m                                  | \$/m               | \$           |
| 5. Concrete Walks                      | "x" mm by "x" mm                         | m2                                 | \$/m2              | \$           |
| 6. Catch Basins                        | Single<br>Double                         | number required<br>number required | \$/each<br>\$/each | \$<br>\$     |
| 7. Storm Sewers                        | Size                                     | m                                  | \$/m               | \$           |
| 8. Road Cut/Repair                     | Size                                     | m2                                 | \$/m2              | \$           |
| 9. Storm Maintenance Holes             | Depth                                    | number required                    | \$/each            | \$           |
| 10. Retaining Walls:                   | Pressure Treated<br>("x" mm by "x" mm)   | m2 of wall face                    | \$/m2 of wall face | \$           |
|  | Precast Concrete<br>or Armour Stone etc. | m2 of wall face                    | \$/m2 of wall face | \$           |
| 11. Topsoil                            | "x" mm                                   | m2                                 | \$/m2              | \$           |
| 12. Sod                                | No. 1 Nursery Sod                        | m2                                 | \$/m2              | \$           |
| 13. Fencing                            | 1.5 m Chain Link                         | m                                  | \$/m               | \$           |
|  | 1.8 m Chain Link                         | m                                  | \$/m               | \$           |
|  | 1.5 m Pressure Treated                   | m                                  | \$/m               | \$           |
|  | 1.8 m Pressure Treated                   | m                                  | \$/m               | \$           |
| 14. Brick or Concrete<br>Paving Stones |  | m2                                 | \$/m2              | \$           |
| 15. P.S.T. and G.S.T.                  |  |                                    |                    | \$           |

**TOTAL**

Note: Landscaping items (ie trees, shrubs etc.) have not been included in the above noted guideline as these security requirements are under the review of the City of Hamilton Planning and Development Department. Please contact their Offices for details.

Depending on the specific details of the plans submitted and approved, securities may be required for additional items not noted in the above list.

The security estimate submitted must be stamped by a qualified professional engineer, architect or landscape architect.



CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT

GUIDE FOR ESTIMATING LANDSCAPING SECURITY REQUIREMENTS

| <u>ITEM</u>                          | <u>DESCRIPTION</u><br>(Examples only)                       | <u>QUANTITY</u>     | <u>UNIT COST</u> | <u>TOTAL</u>   |
|--------------------------------------|---|---------------------|------------------|----------------|
| 1. Trees                             | Pyrus calleryana 'Bradford'<br>(Bradford Pear) 200 cm, B.R. | 10                  | \$ 0.00          | \$ 0.00        |
| 2. Shrubs                            | Cornus Florida 80 cm, 3 gallon<br>(White flowering dogwood) | 10                  | \$ 0.00          | \$ 0.00        |
| 3. Ground cover                      | Vinca minor 6 cm, pt<br>(Periwinkle)                        | 100                 | \$ 0.00          | \$ 0.00        |
| 4. Planting Bed-Topsoil 100 mm depth |   | 2,000m <sup>2</sup> | \$ 0.00          | \$ 0.00        |
| 5. P.S.T. and G.S.T.                 |   |                     |                  | \$ 0.00        |
| <b>TOTAL</b>                         |   |                     |                  | <b>\$ 0.00</b> |

Note:

Depending on the specific details of the plans submitted and approved, securities may be required for additional items not noted in the above list.

A qualified professional engineer, architect or landscape architect must stamp the security estimate submitted.

April 99

Cd)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1999 November 24  
Normanhurst Neighbourhood  
A-99:191

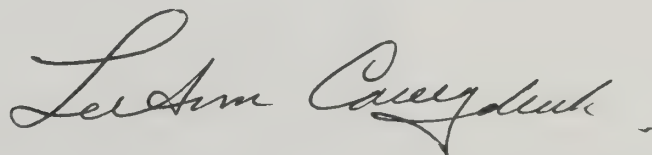
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Lee Ann Coveyduck  
General Manager  
Community Planning and Development Division

**SUBJECT:** Authorization for Staff Attendance at an Ontario Municipal Board  
Hearing - 120 Walter Avenue North (PDC99154)

**RECOMMENDATION:**

That the appropriate staff (e.g. Legal Services and Community Planning and Development) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-99:191, respecting property located at No. 120 Walter Avenue North, as shown on attached map marked as APPENDIX "A".



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Staff costs for attendance at hearings are covered by the respective Departmental Work Programs /Budgets.

**BACKGROUND:**

Committee of Adjustment Application A-99:191 has recently been appealed to the Ontario Municipal Board. At its meeting of September 29, 1999, the Committee accepted Development Planning staff's recommendation and denied the application.

The application was to allow the required parking in the front yard notwithstanding only approximately 35% of the front yard would be landscaped instead of the minimum required 50% landscaped area.

The Zoning By-law permits front yard parking for dwellings constructed prior to December 14, 1971, to alleviate parking difficulties in older neighbourhoods. However, all one, two and three family dwellings must maintain a minimum of 50% of the front yard as landscaped area. The 50% landscape requirement was established in 1992 to protect the character of residential areas.

It is understood the dwelling was constructed in 1983. However, the dwelling is currently legal non-conforming with one parking space in the front yard. In this regard, the proposal has the effect of allowing two parking spaces to be provided in the front yard while providing only approximately 35% of the front yard for landscaping.

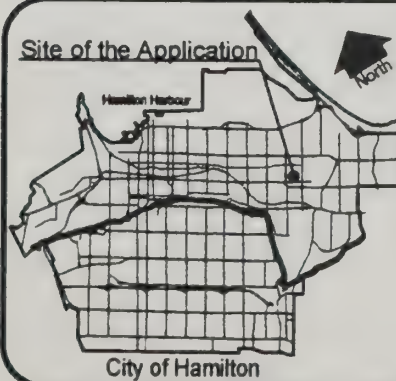
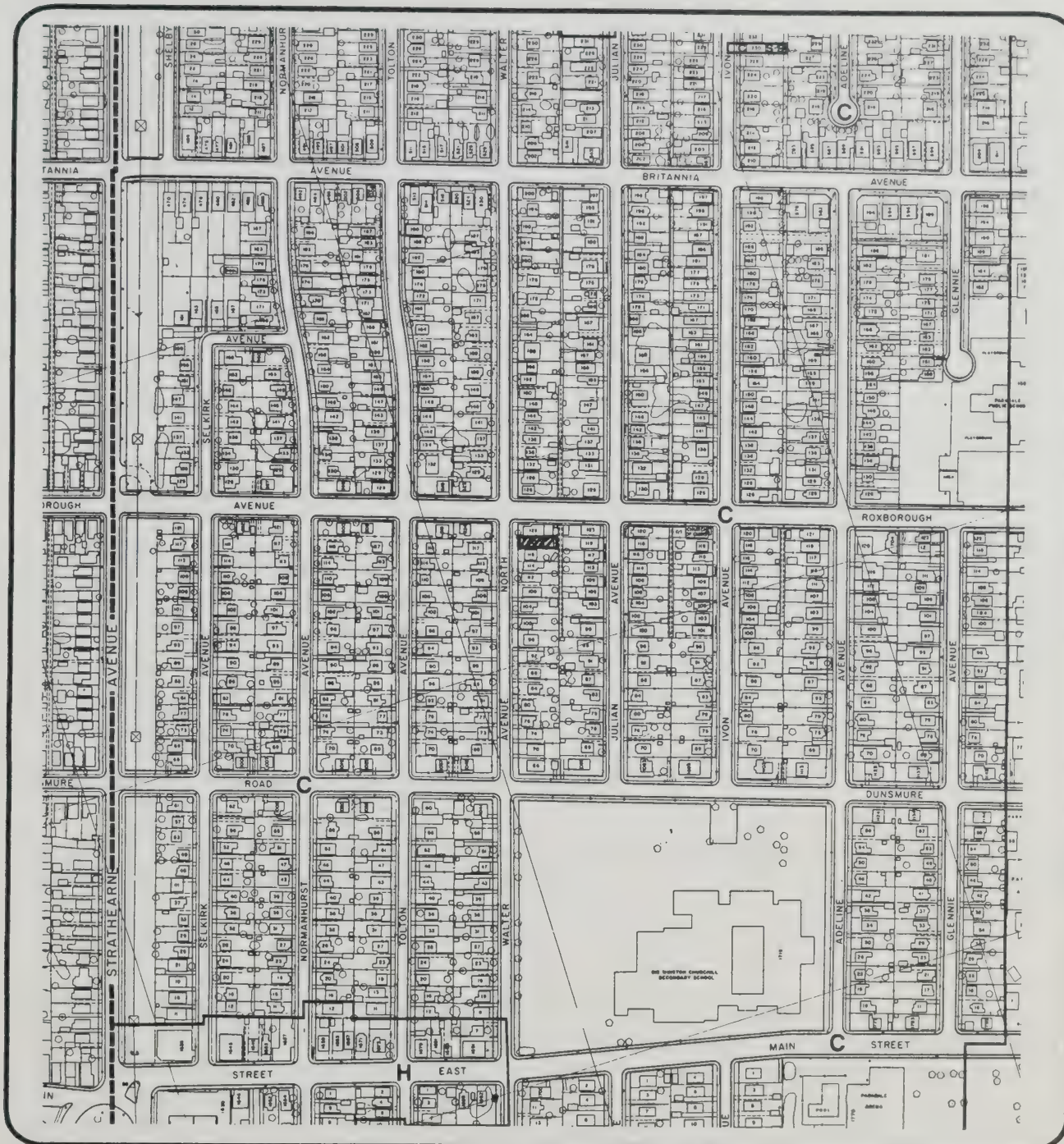
Based on the foregoing, the proposal was not considered to be minor in nature or in keeping with the general intent and purpose of the Zoning By-law.

#### **CONCLUSION:**

Consistent with current practice in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

JG/





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

# Location Map

## Legend



Site of the Application

|                     |
|---------------------|
| Reference file:     |
| <b>A-99:191</b>     |
| Scale               |
| <b>Not to Scale</b> |
| Date                |
| <b>Nov., 1999</b>   |
| Technician:         |
| <b>B. B.</b>        |
| <b>APPENDIX 'A'</b> |



Da)

# CITY OF HAMILTON

## RECOMMENDATION

**DATE:** November 22, 1999

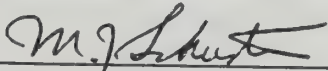
**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Michael J. Schuster, General Manager  
Social and Public Health Services Division

**SUBJECT:** Hamilton Emergency Loan Program (H.E.L.P.)  
223 Broadway Avenue, Hamilton (HSB99009)

### RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, seven hundred and twenty-five dollars (\$1,725) be approved for Ljulja Ljulidjuraj, 223 Broadway Avenue. The interest rate will be 2 per cent amortized over 5 years.



Michael J. Schuster, General Manager

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The loan of \$1,725 will be funded from the Hamilton Rehabilitation Assistance Program; the uncommitted balance of which is \$104,598.

### BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Program in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the federally or provincially sponsored loan and grant programs. A maximum loan of \$2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Social and Public Health Services Division, Housing and Shelter Branch, recently finalized an Emergency Loan for Ljulja Ljulidjuraj, 223 Broadway Avenue, in the amount of \$1,725. The furnace has been replaced and staff recommends approval in the amount of \$1,725 at 2% interest and amortized over five (5) years.

MJS/MM/dk

c.c. R. Camani, Finance Department





D6)

# CITY OF HAMILTON

## RECOMMENDATION

**DATE:** 1999 November 22

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Michael J. Schuster  
General Manager, Social and Public Health Services Division

**SUBJECT:** Commercial Property Improvement Loan Program  
Loan Increase  
164½ King Street East, Hamilton (HSB99010)

### RECOMMENDATION:

That a loan increase, for façade improvements, under the Commercial Property Improvement Loan Program, in the amount of fifteen thousand and eight dollars (\$15,080) to Paul Roth, registered owner of 164½ King Street East, be approved.



Michael J. Schuster, General Manager

### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The loan increase of \$15,080 will be funded from the Commercial Property Improvement Loan Program; the uncommitted balance of which is \$589,396.

### BACKGROUND:

City Council at its meeting held 1999 August 11 approved a loan application under the subject program in the amount of \$9,920. The owner has since met the criteria for additional work costing \$15,080 that has been reviewed and found acceptable. It is therefore recommended that the owner's application be increased from \$9,920 to \$25,000. The loan will be amortized over a ten-year period at 0 per cent interest. The new monthly payments will be \$208.34 and will be secured by a promissory note and a lien registered on title.

MJS/MM/dk

cc R. Camani, Finance Department  
D. Powers, Legal Services





# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** November 29, 1999

**REPORT TO:** Chairman and Members  
Planning and Development Committee

**FROM:** Charlene Touzel, Secretary  
Selection Committee

**SUBJECT:** Appointment of Members to the Central Area Plan Implementation Committee and the Local Architectural Conservation Advisory Committee

### RECOMMENDATION:

- a) That Gary Ostofi be appointed to serve on the Central Area Plan Implementation Committee for a term to expire November 30, 2002; and,
- b) That the following Citizen Members be appointed to serve on the Local Architectural Conservation Advisory Committee:

|                  |  |
|------------------|--|
| Elaine Sheppard  | for a term to expire November 30, 2000 |
| Brian Henley     | for a term to expire November 30, 2002 |
| Donna Reid       | for a term to expire November 30, 2002 |
| Jeffrey Steadman | for a term to expire November 30, 2002 |

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** n/a

### BACKGROUND:

Orientation Sessions for citizens interested in serving on various City Committees, Local Boards and Commissions were held on September 21 and 29. Applicants were subsequently interviewed on November 3, 1999.

The Selection Committee met on November 29, 1999 and recommended the aforementioned appointments.





CAY ON HBL AOS  
CSIPY  
1999

**NOTICE OF MEETING**

**SPECIAL PLANNING AND DEVELOPMENT COMMITTEE**

**URBAN MUNICIPAL**

**Tuesday, December 14, 1999  
7:00 o'clock p.m.  
Room 233, City Hall**

**DEC 13 1999**

**GOVERNMENT DOCUMENTS**

A handwritten signature in black ink, appearing to read 'Tina Agnello'.

**Tina Agnello, Secretary  
Planning and Development Committee**

**AGENDA**

**1. ST. MARK'S REVIEW COMMITTEE**

St. Mark's Church Property- Proposed New Use (copy to be distributed at meeting)

**2. ADJOURNMENT**







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